

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1202 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 16.02.2006 by the Motor Vehicles Accident Claims Tribunal-cum-I Additional District Judge, Medak, Sangareddy (for short 'the Tribunal'), in O.P.No.758 of 2004, whereby the tribunal granted compensation of Rs.1,50,000/-.

2. The facts of the case are that on 24.02.2004 at about 07.30 p.m., while the claimant was going on his Luna Moped, a Lorry bearing No. AAT 965 came in opposite direction in a rash and negligent manner at high speed, dashed the Luna and accordingly, he fell down and sustained 7 multiple grievous injuries and other simple injuries. Thereafter, the claimant was immediately shifted to BBR Hospital and got discharged and was taken to NIMS Hospital, where he was treated as inpatient from 25.02.2004 to 15.03.2004 and he also undergone operations. The petitioner was Carpenter and was the only earning member in the family and due to the accident, they lost their livelihood and sought for a compensation of Rs.3,00,000/-.

3. The tribunal after considering the evidence and material available on record has awarded Rs.1,50,000/- as compensation with interest @ 7.5% per annum from the date of petition till the date of realization as against the claim of Rs.3,00,000/-. Aggrieved

thereby, the appellant/claimant filed the present appeal seeking enhancement.

4. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

5. Respondent No.1 was set exparte and Respondent No.2 filed counter denying the claim petition.

6. In order to prove the case of the claimant, PWs.1 to 3 were examined and marked Exs.A.1 to A.9. No oral evidence is adduced on behalf of the respondents but marked Ex.B.1- copy of insurance policy.

7. It is a case of multiple grievous injuries and other simple injuries on all parts of the body. Basing on the material available on record, the tribunal allowed the appeal in part. The award passed by the tribunal granting a sum of Rs.61,840/- towards medicines and treatment is well considered and needs no interference of this Court. However, the trial Court has ignored the loss and earnings of the claimant. Since the claimant is a Carpenter and has taken bed rest for 6 months, the income of the claimant can be taken as Rs.4,000/- per month and for 6 months he is entitled for Rs.24,000/- (4,000 X 6). Because the claimant has sustained multiple grievous injuries, the sum of Rs.79,000/- towards pain and suffering awarded by the tribunal is enhanced to Rs.1,00,000/-. Accordingly, taking the attendant charges as Rs.100/- per day, which comes to Rs.18,000/- and Rs.5,000/-

towards extra nourishment and Rs.3,000/- towards transportation charges would be just and reasonable and the same is awarded.

Thus, the petitioner is entitled for a sum of Rs.2,11,840/-. (Rs.61840 + Rs.24000 + Rs.1,00,000 + 18,000 + 5,000 + 3,000). The enhanced compensation amount shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents are directed to deposit the compensation amount jointly and severally within three months.

8. In view of the above, the appeal is allowed in part. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 05-11-2019
dv

