

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.819 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Judgment and Decree dated 15.09.2005 passed in O.P.No.579 of 2002 by the Motor Accident Claims Tribunal (III Additional District Judge) (Fast Track Court), Nizamabad (for short, the Tribunal).

2. The brief facts of the case are that on 29.12.2001 at about 6.30 pm., while the appellant was going to a kirana shop, and when she reached near Kanteshwar Temple, a jeep bearing No.ATT-5-7635, came in opposite direction with high speed in a rash and negligent manner and dashed her, due to which, the appellant fell down and sustained injuries on her head, including fractures to her left femur. She filed aforesaid OP against respondent Nos.1 and 2, owner and insurer of aforesaid jeep, claiming compensation of Rs.1,00,000/- for the injuries sustained by her.

3. Before the Tribunal, the respondents filed separate counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the

jeep and awarded total compensation of Rs.20,000/- with interest @ 7.5% per annum, i.e., Rs.10,000/- towards fracture, Rs.4,000/- towards two simple injuries, Rs.2,000/- towards cost of treatment, Rs.1,000/- towards extra-nourishment and Rs.3,000/- towards pain and suffering. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. A perusal of the record reveals that in the accident, the appellant sustained one fracture injury and two simple injuries. In the circumstances, this Court is inclined to enhance the amount of Rs.3,000/- granted by the Tribunal towards pain and suffering to Rs.8,000/-. Except the said enhancement, the Judgment of the Tribunal shall remain unchanged.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.20,000/- to Rs.25,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 30.08.2019
TJMR