

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1532 OF 2005

JUDGMENT:

Appellant-claimant filed this appeal against the Order and Decree dated 26.04.2005 in O.P.No.947 of 2001 on the file of the Motor Accidents Claims Tribunal-cum-V Additional District Judge (FTC), Ranga Reddy District at L.B.Nagar (for short, 'the Tribunal'), whereunder the Tribunal granted an amount of Rs.1,07,300/- towards compensation along with interest @ 9% per annum as against the claim of Rs.3,00,000/- on account of the injuries sustained by the appellant in the motor vehicle accident occurred on 30.07.2001.

2. The manner of accident and the injuries sustained by the appellant-claimant are not in dispute and the appellant challenged the impugned award only on the quantum of compensation awarded by the trial Court. Therefore, this Court is not inclined to go into other details other than the quantum of compensation.

3. Learned counsel for the appellant submitted that the Tribunal erroneously granted meager compensation for the injuries sustained by the appellant and sought to enhance the same.

4. Learned Standing Counsel for the respondent-RTC submitted that the Tribunal passed a well reasoned order by appreciating the evidence adduced before it and sought to dismiss the appeal.

5. According to P.W.1, while he was entering into the bus from the front stair case, he slipped due to sudden jerk of the bus as there was no

handle rod and the bus started in a rash and negligent manner, as a result of which, the bus ran over his left leg, due to which, the accident occurred.

6. A perusal of Ex.A.2-discharge certificate and Ex.A.3 disability certificate shows that the appellant's left leg was amputated below the knee level and accordingly, assessed the disability of the appellant at 50%,.

7. In so far as the income of the appellant is concerned, taking into consideration the evidence of PW.2, who is running the milk agency, under whom the appellant was working and earning an amount of Rs.2,500/- to Rs.3,000/- per month by selling milk packets, and also the documentary evidence under Exs.A1 to A.5, it can be assessed at Rs.2,000/- per month, instead of Rs.1,500/- per month, which comes to Rs.24,000/- per annum. As there is no dispute with regard to the age of the appellant, the multiplier '16' can safely be applied as was done by the Tribunal and the total amount comes to Rs.3,84,000/- (24000 x 16). As the Tribunal observed that there was contributory negligence on the part of the driver of the bus and also the appellant, the appellant is entitled to half of the amount, i.e., Rs.1,92,000/- towards permanent disability, instead of Rs.72,000/-. The Tribunal awarded Rs.25,000/- + Rs.2,000/- towards attendant charges, Rs.3,000/- towards extra nourishment, Rs.1,000/- for transport, Rs.600/- for damages to the cloths, and Rs.3,700/- towards loss of earnings. This Court is of the view that these heads require no change.

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.1,07,300/- to Rs.2,27,300/-. The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 08-11-2019
GJ

