

OTHE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.809 OF 2012

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 28.12.2011 passed in O.P.No.220 of 2005 by the Motor Accidents Claims Tribunal (VI Additional District Judge), Nizamabad at Kamareddy (for short, the Tribunal).

2. The brief facts of the case are that on 21-01-2003 at about 11.30 PM., when the petitioner was returning to his house from Kamareddy bus stand, a Tata Indica car bearing No.AP-01-T-6563, which was coming from Nagpur side, driven by its driver in high speed and in a rash and negligent manner, dashed the petitioner, as a result of which, the petitioner fell down and sustained Trochanteric fracture (R), fracture of nose, fracture of lower right radius; injuries on head, both hands, legs and other parts of the body. He filed the aforesaid MVOP against the owner (respondent No.1) and insurer of the car (respondent No.2) claiming compensation of Rs.1,50,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained ex parate and respondent No.2 filed its counter 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 car, but dismissed the claim petition on the ground that the

petitioner failed to establish that the treatment he has taken at Kiruba Hospital, Salem is in respect of injuries that are sustained by him in the accident that occurred at Kamareddy. Dissatisfied with the order of the Tribunal, the appellant filed the present appeal, seeking to grant compensation for the injuries sustained by him.

5. Heard.

6. It is not in dispute that the accident has taken place at Kamareddy and the claimant suffered injuries in the said accident. It is also an admitted fact that the claimant was initially shifted to Government Hospital, Kamareddy and thereafter, the doctors at Kamareddy referred him to Gandhi Hospital, Secunderabad. It is seen from the reference letter, the claimant sustained two simple fractures. Since the fact of occurrence of accident and the claimant sustaining two simple fractures cannot be ruled out, this Court feels that denying total claim of the claimant is unreasonable and therefore, a notional amount of Rs.20,000/- is awarded to the claimant for the injuries sustained by him.

7. Accordingly the appeal is partly allowed to the extent indicated above. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 21.06.2019
Shr