

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.892 OF 2010

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 23.09.2008 passed in O.P.No.335 of 2005 by the Motor Accidents Claims Tribunal-I Additional District Judge, at Warangal (for short, the Tribunal).

2. The brief facts of the case are that on 23.11.2003, while the appellant was proceeding on scooter No.AP36 7255 from Gatla Kanaparthi to Hanamkonda, and when he reached Arepally Shivar at about 5.00 pm., the first respondent drove auto bearing No.AP36V 7144, in opposite direction in a rash and negligent manner at high speed and dashed the scooter of the appellant. In the said accident, the appellant sustained injuries to left parietal bone and head injury. He filed aforesaid OP against respondent Nos.1 and 2, the owner and the insurer of auto, respectively, claiming compensation of Rs.4,50,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. 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

auto and awarded compensation of Rs.1,30,000/- with interest @ 7.5% per annum, i.e., Rs.5,000/- towards transportation, Rs.25,000/- towards medical expenses, Rs.15,000/- towards pain and sufferings, Rs.75,000/- towards partial permanent disability and Rs.10,000/- towards loss of earnings. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. As per the record, it is clear that the appellant sustained left parietal bone and head injury, for which, he underwent two operations and he had to use medicines for long time. Therefore, this Court is inclined to enhance the compensation of Rs.15,000/-, as granted by the Tribunal, to Rs.20,000/-. Insofar as grant of Rs.10,000/- towards loss of earnings is concerned, due to the injuries, the appellant was on medical leave for a period of 14 months and 17 days, but medical leave was granted to him for a period of 5 months and 8 days only and lost his salary for 9 months and 9 days. Therefore, this Court is inclined to grant compensation for the remaining period of 9 months 9 days @ Rs.9,112/- per month, which is the salary amount as per Ex.P.9-salary certificate, which comes to Rs.84,742/-. As the appellant was bedridden for more than 14 months, he is entitled to attendant charges @ Rs.2,000/- for 14 months, which comes to Rs.28,000/-. Insofar as other amounts granted by the Tribunal, they need not be

interfered with. The enhanced amounts are shown in the tabular form, as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Transportation	Rs.5,000/-	Rs.5,000/-
02.	Medical expenses and extra nourishment	Rs.25,000/-	Rs.25,000/-
03.	Pain and suffering	Rs.15,000/-	Rs.20,000/-
04.	Partial permanent disability	Rs.75,000/-	Rs.75,000/-
05.	Loss of earnings	Rs.10,000/-	Rs.84,742/-
06.	Attendant charges	--	Rs.28,000/-
TOTAL		Rs.1,30,000/-	Rs.2,37,742/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.1,30,000/- to Rs.2,37,742/-. 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: 19.06.2019
TJMR