

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1784 OF 2009

JUDGMENT:

This appeal is filed by the appellants-claimants aggrieved by the Order and Decree dated 28.01.2009 passed in O.P.No.320 of 2007 by the Motor Accidents Claims Tribunal (District Judge) at Khammam (for short, the Tribunal).

2. The brief facts of the case are that on 20.04.2006, while the deceased, who is the father of the claimants, along with his grandson by name Darla Tarun, after attending the funeral ceremony of their relative, sat on the side of R&B road, in the meantime, one Tipper lorry bearing No.AP-16-TV-3529, which is coming from Chandrugonda and proceedings towards Yerragunta, driven by its driver in a rash and negligent manner at high speed and lost control over the steering, dashed against the deceased and his grandson. As a result of which, the deceased and his grandson sustained injuries. Immediately, the deceased was shifted to Area Hospital, Kothagudem and thereafter shifted to Government Hospital, Khammam. While undergoing treatment, the deceased died on 28.04.2006. Therefore, the claimants, who are the sons of the deceased, filed aforesaid MVOP against the respondents claiming compensation of Rs.1,25,000/-.

3. Before the Tribunal, the 2nd respondent filed 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 Tipper lorry and awarded a sum of Rs.50,000/- towards loss of dependency and Rs.2,000/- towards funeral expenses i.e., total compensation of Rs.52,000/- with interest @ 7.5 % per annum from the date of petition till the date of realization. Dissatisfied with the quantum of compensation, the appellants filed the present appeal, seeking enhancement of the compensation.

5. Heard.

6. As can be seen from the impugned order passed by the Tribunal, the Tribunal has not awarded any amount towards transportation and attendant charges. The deceased was in hospital for eight days. Hence, certainly the claimants must have incurred some amount towards transportation and attendant charges. Therefore, I deem it appropriate to grant a sum of Rs.2,000/- towards ambulance charges for shifting the deceased from one place to another place, a sum of Rs.1,600/- towards bus/auto fare and a sum of Rs.1,500/- towards attendant charges. Therefore, the appellants are entitled for a compensation of Rs.57,100/- instead of Rs.52,000/- awarded by the Tribunal.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.52,000/- to Rs.57,100/-. 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: 18.06.2019

Prv

