

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1570 OF 2008

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 08.05.2008 passed in M.V.O.P.No.1338 of 2006 by the Motor Accidents Claims Tribunal (District Judge), at Khammam (for short, the Tribunal).

2. The brief facts of the case are that on 06.07.2005 at about 5.00 p.m., the appellant was proceeding towards Guttala Bazar to see her mother, who is in Dr. Radha Krishna Hospital, when she reached near Ravi Sweet Shop, Gandhchowk on foot, one auto bearing No.AP 20V 6834 coming in opposite direction in a rash and negligent manner with high speed dashed the appellant and one cyclist. As a result of which, the appellant sustained fracture of left hand wrist and injury on left shoulder, chin, fore head and multiple injuries all over the body. On a complaint, the Police, Khammam Traffic, registered a case in Crime No.124 of 2005, under Section 337 of IPC against the driver of Auto bearing No.AP 20V 6834. It is further submitted that immediately after the accident, the appellant was shifted to Government Hospital, Khammam, where the doctors applied plaster of paris and bandages and subsequently she took treatment in a private hospital and she spent an amount of Rs.10,000/- towards medical expenses. It is further submitted that due to fracture of left hand wrist, the appellant is unable to attend her coolie work and suffering with severe pain and she is unable to lift any weight with her left hand and she is facing much inconvenience and hardship. Thus, the appellant claimed compensation of Rs.50,000/- towards general and special damages. The 1st respondent, being the owner, and the 2nd respondent, being the insurer

of the crime vehicle, i.e., auto bearing No.AP 20V 6834, both are jointly and severally liable to pay compensation to the appellant.

3. Before the Tribunal, respondents 1 & 2 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 1st respondent and awarded total compensation of Rs.10,777/- i.e., Rs.10,000/- towards medical expenses and Rs.777/- towards medicines.

5. Heard Ms.B.Shalini Saxena, learned counsel representing Mr.Palle Srihari Nath, learned counsel appearing for the appellant and Mr.Katta Laxmi Prasad, learned Standing Counsel appearing for the 2nd respondent/insurance company.

6. Granting of an amount of Rs.10,000/- towards medical expenses i.e.,Rs.5,000/- for grievous injury and Rs.5,000/- for three simple injuries, is a very meager amount and more so, the appellant is a lady and apart from attending to her family works, she goes out to attend the labour work and since the injury is caused on her left hand wrist, it became immense difficulty to attend all the works. Hence, this Court feels that it would be just and reasonable, if the said amount is enhanced to Rs.20,000/-. Accordingly, the said amount of Rs.10,000/- under the head of medical expenses is enhanced to Rs.20,000/-. The Tribunal has not considered the head of pain and suffering and this Court feels that it would be just and proper to award an amount of Rs.5,000/- under the head of pain and suffering. Accordingly,

Rs.5,000/- is awarded under the head of pain and suffering. Except the said enhancement, rest of the award remains un-changed.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.10,777/- to Rs.25,777/-. The appellant is entitled to interest @ 7.5% per annum on enhanced compensation from the date of petition till realization, as per the decision of the Apex Court in **Rajesh and others v. Rajbir Singh and others**¹. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 17th June, 2019

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¹ 2013 ACJ 1403 = 2013 (4) ALT 35