

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1578 OF 2008

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 31.03.2008 passed in O.P.No.1086 of 2004 by the Motor Accidents Claims Tribunal (I Additional District Judge) at Khammam (for short, the Tribunal).

2. The brief facts of the case are that on 11.11.2003 at about 30.30 hours, while the appellant was proceeding on his Spark Moped bearing No.AP20A 6970, and when he reached near Sujath Nagar, the driver of lorry bearing No.KA04A 1702, drove it in a rash and negligent manner at high speed and hit the appellant's moped. In the said accident, the appellant sustained multiple injuries. He filed aforesaid MVOP against the owner of lorry (respondent No.1) and insurer of the lorry (respondent No.2) claiming compensation of Rs.1,25,000/- 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 lorry and awarded compensation of Rs.20,000/- with interest @

7.5% per annum, i.e., Rs.15,000/- towards injuries, Rs.2,000/- towards medical expenses, Rs.1,500/- towards attendant expenses and Rs.1,500/- towards extra nourishment. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. In the facts and circumstances of the case, this Court feels that it would be appropriate to enhance the compensation under various heads as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Injuries	Rs.15,000/-	Rs.30,000/-
02.	Medical expenses	Rs.2,000/-	Rs.2,000/-
03.	Attendant expenses	Rs.1,500/-	Rs.6,000/-
04.	Extra nourishment	Rs.1,500/-	Rs.5,000/-
05.	Transportation	---	Rs.2,000/-
06.	Pain and sufferings	---	Rs.10,000/-
TOTAL		Rs.20,000/-	Rs.55,000/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.20,000/- to Rs.55,000/-. 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: 17.06.2019
TJMR