

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.591 OF 2012

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 17.10.2006 passed in O.P.No.1491 of 2003 by the Motor Accidents Claims Tribunal (III Additional District Judge) at Nizamabad (for short, the Tribunal).

2. The brief facts of the case are that on 17.03.2002, when the petitioner was returning from Gummiryala village as a pillion rider on the scooter bearing No.AP15E 8139 and when the scooter reached near Ergatla village, a jeep bearing No.AP25T 5032, came in opposite direction at high speed in a rash and negligent manner and dashed the scooter, as a result of it, the petitioner sustained fracture to his left leg and other multiple and grievous injuries all over the body. He filed aforesaid MVOP against the owner (respondent No.1) and insurer of the jeep (respondent No.2) claiming compensation of Rs.1,00,000/- 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 jeep and awarded compensation of Rs.19,500/- with interest @

7.5% per annum, i.e., Rs.7,500/- towards fracture of both bones, Rs.2,000/- each towards three simple injuries, Rs.3,000/- towards cost of treatment, Rs.1,000/- towards pain and suffering, Rs.2,000/- towards loss of earnings. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. 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.	fracture of both bones	Rs.7,500/-	Rs.20,000/-
02.	three simple injuries	Rs.6,000/-	Rs.6,000/-
03.	cost of treatment	Rs.3,000/-	Rs.5,000/-
04.	pain and suffering	Rs.1,000/-	Rs.5,000/-
05.	loss of earnings	Rs.2,000/-	Rs.4,000/-
TOTAL		Rs.19,500/-	Rs.40,000/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.19,500/- to Rs.40,000/-. 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: 21.06.2019
Shr