

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 304 OF 2013

JUDGMENT:

This appeal is directed against the award, dated 29.12.2012, passed by the Motor Accidents Claims Tribunal (District Judge) at Nizamabad (for short 'the Tribunal), in O.P.No.499 of 2008 whereby the Tribunal awarded compensation of Rs.47,000/-, against the claim of Rs.3,00,000/-, on account of the injuries sustained by the petitioner in a motor vehicle accident that occurred on 23.04.2007.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. The brief facts of the case are hereunder:

On 23.04.2007, while the petitioner and others were travelling in trailer bearing No.AP-25-N-4188, which is annexed to the Tractor bearing No.AP-25-N-354, when they reached near the limits of Ramchandrapally Village on National Highway 16, as bus No.AP-10-Z-634 was under repair, it is tied up to another bus bearing No.AP-9-Z-5703, the said un-repaired bus dashed the tractor, as a result of which the petitioner and others sitting on concrete load of the trailer fell down and sustained injuries.

4. Before the Tribunal, the defence of the respondents is that the accident occurred due to rash and negligent driving of the tractor by its driver and they are not liable to pay any compensation and denying

the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. 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 drivers of the buses and awarded total compensation of Rs.47,000/- with interest @ 7.5% per annum, i.e., Rs.25,000/- towards pain and suffering, Rs.10,000/- towards medical bills and Rs.12,000/- towards loss of earnings.

6. Dissatisfied with the quantum of compensation, the petitioner filed the present appeal, seeking enhancement of the same.

7. Heard.

8. A perusal of the record shows that though the Tribunal awarded a sum of Rs.12,000/- towards other expenses viz., transportation, extra nourishment and attendant charges, the same has not been added. Hence, the petitioner is entitled to a sum of Rs.12,000/- towards transportation, extra nourishment and attendant charges.

9. Further, the Tribunal has not considered the injuries sustained by the petitioner in the accident. As per Exs.A.3 and A.1, the petitioner received one grievous injury and three simple injuries. Hence, this court feels that it is just and necessary to award a sum of Rs.15,000/- towards non-surgical grievous injury and Rs.6,000/-

(Rs.2,000/- each) for three simple injuries. Except the said enhancement, the Judgment of the Tribunal remains unchanged.

10. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.47,000/- to Rs.80,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

21st August 2019

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