

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

M.A.C.M.A.No.2704 OF 2006

JUDGMENT:

Despite service of notice on respondents corporation, there is no representation and hence, this Court disposed of the present appeal basing on the record.

2. Feeling aggrieved by the judgment and decree dated 01.07.2004 in O.P.No.100 of 2002 passed by the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Karimnagar (for short 'the Tribunal), the appellant/claimant preferred the present appeal.

3. Vide the aforesaid judgment, the Tribunal has granted an amount of Rs.15,000/- towards compensation as against claim of Rs.1,00,000/- with proportionate costs and interest @ 9% per annum from the date of petition till the date of realisation.

4. It is relevant to note that the Tribunal on consideration of the entire record gave a finding that the accident was occurred due to rash and negligent driving of the driver of RTC bus bearing No. AP 11 Z 194. Admittedly, the respondents did not file any appeal challenging the said finding and hence, the said finding attained finality.

5. The only question falls for consideration by this Court is with regard to the quantum of compensation.

6. With regard to the monthly income, learned counsel for the claimant submitted that the claimant himself examined as PW.1 and according to him, he used to work as Hamali at the time of accident and earn Rs.300/- to Rs.400/- per day. Due to accident, the claimant took bed rest for a period of one and half year and lost his income. Learned

counsel for the claimant submitted that due to the accident occurred on 12.12.2001 the claimant sustained injuries to his head, neck, eye and throat part and both jaws and one teeth was completely dislocated, he was shifted to Huzurabad Government Hospital, and thereafter, he was shifted to Jaya Hospital for scanning purpose and from there to MGM Hospital, Warangal, where he was treated as inpatient for 12 days. To prove the said injuries sustained by the claimant, he filed Ex.A.3-medical certificate, Ex.A.4-Form No.54, Ex.A.5-bunch of medical bills, Ex.A.6-bunch of medical prescriptions and Ex.A.7-x-ray films. However, the claimant did not examine the doctor, who treated him.

7. As per Ex.A.3-medical certificate, the claimant sustained one grievous injury and one simple injury. Though, the claimant filed Ex.A.5-bunch of medical bills for Rs.30,000/-, the Tribunal did not consider the same without any reason except stating that the claimant did not examine the doctor, who treated him, to substantiate Ex.A.5-medical bills. However, it is not in dispute that the accident was occurred due to rash and negligent driving of the driver of RTC Bus and appellant sustained grievous injury. The appellant has taken treatment for 12 days. Therefore, considering the said fact and also on the fact that there is no contra evidence, the claimant is entitled for Rs.30,000/- towards Ex.A.5-bunch of medical bills.

] 8. On perusal of Ex.A.4, A.6 and A.7, it is not in dispute that the claimant received one grievous injury and one simple injury and his teeth was completely dislocated. He was treated in MGM hospital for 12 days as in-patient. But the Tribunal did not consider the same and awarded an amount of Rs.15,000/-, which according to this Court is unreasonable. The claimant is entitled for a sum of Rs.25,000/- towards grievous injury, and Rs.5,000/- towards simple injury, Rs.5,000/-

towards transport, and Rs.5,000/- towards extra-nourishment which are reasonable. Thus, in all, the claimant is entitled for the following compensation.

1) Medical bills	Rs.30,000/-
2) Grievous injury	Rs. 25,000/-
3) Simple injury	Rs. 5,000/-
4) Transport	Rs. 5,000/-
5) Extra-nourishment	Rs. 5,000/-

Rs.70,000/-

9. In the result, MACMA is allowed-in-part, modifying the judgment and decree dated 01.07.2004 in O.P.No.100 of 2002 passed by the Motor Accidents Claims Tribunal -cum-IV Additional District Judge, Karimnagar enhancing compensation from Rs.15,000/- to Rs.70,000/- (Rupees seventy thousand only) with interest @ 7.5% per annum from the date of petition till the date of realisation. The respondents are directed to deposit or pay the compensation amount along with interest within one month from the date of receipt of copy of this judgment after deducting the amount, if any, deposited earlier. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stands closed.

K.LAKSHMAN,J

Date 30.01.2020
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