

THE HON'BLE JUSTICE M.G. PRIYADARSINI

M.A.C.M.A. No. 573 of 2014

JUDGMENT:

This appeal is filed by the claimant, injured, aggrieved by the order and decree, dated 28.11.2011 made in O.P.No.1201 of 2008 on the file of the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda (for short, the Tribunal).

2. For the sake of convenience, hereinafter, the parties are referred to as per their array before the Tribunal.

3. The claimant filed a petition under Section 166 of the Motor Vehicles Act claiming compensation of Rs.1.00 lakh towards compensation for the injuries sustained by him in a motor vehicle accident that occurred on 25.01.2008. According to the claimant, on 25.01.2008, while the claimant, along with his friend Nagaiah, was proceeding on Bullock Cart with the load of cotton to go to Jangareddygudem bus stage and when they reached near the bus stage around 9:00 p.m., one Lorry bearing No.AP 24 T 8789, owned by respondent No.1 and insured with respondent No. 2, being

driven by its driver in rash and negligent manner, dashed the bullock cart from back side. As a result, the claimant fell down and received multiple injuries and bullock cart was completely damaged and bulls also sustained injuries. Since the accident occurred only due to the rash and negligent driving of the driver of the Lorry, he filed the claim petition against the respondents seeking compensation under different heads.

4. After considering the claim, counter filed by respondent No.2 and the evidence, both oral and documentary brought on record, the tribunal has allowed the O.P. in part awarding a sum of Rs. 59,000/- towards compensation. Seeking further enhancement of compensation, the claimant approached this Court with the present appeal.

5. Heard both sides and perused the material available on record.

6. The finding of the Tribunal with regard to the manner in which the accident took place has become final as the same is not challenged either by the owner or insurer of the vehicle.

7. The short question that arises for consideration in this appeal is “*whether the compensation awarded by the Tribunal is just and equitable*”?

8. The only contention advanced by the learned counsel for the appellant-claimant is that the claimant has sustained one grievous injury and three simple injuries, that he was referred to neuro surgeon. It is further contended that though the claimant has taken treatment for a considerable period, the Tribunal awarded meager amount under the head of medical expenses. It is further contended that even the amounts granted under the heads of pain & suffering; loss of earnings; transportation, attendant charges and extra nourishment are meagre and need enhancement. It is further contended that even the contents of charge sheet disclose that the bullock cart was damaged but no amount was awarded by the Tribunal.

9. On the other hand, the learned Standing Counsel for the Insurance Company has contended that considering the nature of injuries and length of treatment, the tribunal has

adequately awarded the compensation and therefore, the learned Standing Counsel sought for dismissal of the appeal.

10. As seen from the record, the claimant had sustained one grievous injury and three simple injuries and he was referred to Neuro Surgeon. Admittedly, the bullock cart was damaged in the accident but the Tribunal did not award any amount for the damages caused to the bullock cart. Thus, looking into the nature of injuries sustained by the claimant, nature and period of treatment undergone by him and the amount spent by him towards medical expenses, transportation, attendant charges and extra nourishment, this Court feels that the claimant is entitled to Rs.20,000/- towards medical expenses; Rs.25,000/- for one grievous injury; Rs.15,000/- for three simple injuries; Rs.20,000/- towards pain and suffering and Rs.20,000/- under the head of pain and suffering and Rs.10,000/- towards transportation, extra nourishment and attendant charges. Thus, in all the claimant is entitled to Rs.1,10,000/- as against Rs.59,000/- awarded by the tribunal.

11. In the result, the MACMA is allowed in part enhancing the compensation from Rs.59,000/- to Rs. 1,10,000/-. The enhanced compensation shall carry interest at 7.5% per annum from the date of order of the tribunal till the date of realization. The respondents are directed to deposit the amount within two months from the date of receipt of a copy of this order. On such deposit, the claimant is entitled to withdraw the said amount. No order as to costs.

Pending Miscellaneous petitions shall stand closed.

JUSTICE M.G. PRIYADARSINI

28.11.2022
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DATE:28-11-2022