

HON'BLE SMT. JUSTICE M.G.PRIYADARSINI

M.A.C.M.A. No.506 of 2019

JUDGMENT:

Not being satisfied with the quantum of compensation awarded by The Additional Motor Accident Claims Tribunal-cum-IV Additional District and Sessions Judge at Adilabad in M.V.O.P. No.73 of 2016, dated 22.11.2018, the present appeal is filed by the claimant seeking enhancement of compensation.

2. According to the petitioner, on 05.01.2016 at about 6.15 a.m. near Guntal Village, while he was proceeding in RTC bus bearing No. AP.28.Z.3433, the driver of the bus drove it in a rash and negligent manner due to which the petitioner sustained grievous injuries and immediately he was shifted to Government Hospital, Sirpur T and from there to Vijaya Hospital, Kagaznagar, for better treatment and the petitioner took follow up treatment due to which he incurred Rs.15.000/- towards medical expenses. It is further contended that the petitioner was aged about 40 years as on the date of accident

and was earning Rs.12,000/- per month by doing agriculture. Thus, he is claiming compensation of Rs.1,20,000/- under various heads.

3. Respondents-Corporation filed counter disputing the manner of accident and the nature of injuries sustained by the petitioner, his age avocation and contended that the amount claimed by the petitioner is excessive and exorbitant and prayed to dismiss the claim petition.

4. Based on the above pleadings, the Tribunal framed the following issues:

1. Whether the accident dated 05.01.2016 was due to the rash and negligent driving of RTC bus bearing No. AP.28.Z.3433 and the petitioner suffered injuries in the said accident?

2. Whether the petitioner is entitled for compensation, if so, to what just amount and against whom?

3. To what relief?

5. In order to prove the issues, PWs.1 was examined and Exs.A1 to A5 got marked on behalf of the petitioner and none were examined and no documentary evidence was produced by the respondent.

6. Considering the oral and documentary evidence available on record, the Tribunal has awarded an amount of Rs.40,000/- towards compensation to the appellant-claimant against the respondents-Corporation, along with proportionate costs and with pending and future interest @ 7.5% per annum, as against the claim of Rs.1,20,000/- laid by the appellant-claimant for the injuries sustained by him in a road accident that occurred on 05.01.2016.

7. Heard the learned counsel for the appellant-claimant and the learned Standing Counsel for the respondents-Andhra Pradesh State Road Transport Corporation. Perused the material available on record.

8. The learned counsel for the appellant-claimant has submitted that although the claimant, by way of evidence of P.W1 and Exs.A.1 to A.5, established the fact that the petitioner has sustained fracture injuries in the accident, however, the Tribunal has awarded very meager amount of Rs.40,000/- under various heads.

9. The learned Standing Counsel appearing on behalf of respondents-Corporation sought to sustain the impugned award of the Tribunal contending that considering the nature of injuries sustained by the petitioner, the learned Tribunal has awarded just and reasonable compensation and the same needs no interference by this Court.

10. Admittedly, there is no dispute with regard to the manner of accident and the involvement of the RTC bus. Now the only dispute is enhancement of compensation.

11. A perusal of the evidence available on record discloses that PW-1, the petitioner has sustained i) contusion 8x5 cm on

left thigh, ii) pain at right side of chest, abrasion 6x3 cm on right scapular region simple and grievous in nature respectively. However, considering the evidence of PW1 coupled with the documentary evidence available on record, the Tribunal has awarded total compensation of Rs.40,000/-, which is very meager. Thus, considering the nature of injuries sustained by the petitioner, an amount of **Rs.30,000/-** towards grievous head injury, **Rs.10,000/-** towards simple injury is awarded to the petitioner. Further an amount of **Rs.20,000/-** is awarded towards pain and sufferance. Further an amount of **Rs.20,000/-** is awarded towards extra nourishment and transport charges. During the treatment period, the petitioner might have lost his earnings for a period of three months. Therefore, an amount of **Rs.10,000/-** is awarded to the petitioner towards loss of earnings. Thus in all the petitioner is entitled for an amount of **Rs.90,000/-**.

12. In the result, the M.A.C.M.A. is allowed by enhancing the compensation amount awarded by the Tribunal from

Rs.40,000/- to **Rs.90,000/-**. The enhanced amount shall carry interest at 7.5% p.a. from the date of this Order till the date of realization, payable by respondent Nos. 1 and 2 jointly and severally. The amount shall be deposited within a period of one month from the date of receipt of a copy of this order. On such deposit of compensation amount by the respondents, the claimant is at liberty to withdraw the same without furnishing any security. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.G.PRIYADARSINI

13.10.2022
AQS/PKR