

HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

M.A.C.M.A. No. 1679 of 2014

JUDGMENT:

This appeal is filed by the claimant, injured, aggrieved by the order and decree, dated 13.05.2011 made in M.V.O.P.No.426 of 2009 on the file of the District Judge-cum-Motor Accidents Claims Tribunal, Mahabubnagar (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 her in a motor vehicle accident that occurred on 29.12.2005. According to the claimant, on 29.12.2005 at about 8:30 a.m., while she was proceeding to college on a bicycle by the side of the road in the limits of Bandameedipalli Village, one Ambassador Car bearing No.AP 11 W 6483, owned by respondent No.1 and insured with respondent No. 2, being driven by its driver in rash and negligent manner and dashed to the claimant. As a result, the claimant fell down and

sustained fracture to tibia middle third, abrasions on left elbow right arm inner surface, lateral aspect of right thigh, abrasions on both the knees and multiple injuries all over the body. It is the further case of the claimant that she took treatment in S.V.S. Hospital, Mahabubnagar as inpatient and she continued treatment in the same hospital for two months as outpatient and she spent Rs.30,000/- towards medical expenses. Since the accident occurred only due to the rash and negligent driving of the driver of the Ambassador Car, the claimant 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. 35,000/- 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 claimant is that though the claimant has sustained one grievous injury and four simple injuries, she was taken treatment in a private hospital as inpatient and she had incurred huge amount for medical expenses, but the Tribunal awarded meager amount of Rs.35,000/- under all the heads.

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, as per Ex.A3-wound certificate, the claimant had sustained one grievous injury and four simple injuries and she has taken treatment in S.V.S. Hospital, Mahabubnagar as inpatient for a considerable period. 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.25,000/- for one grievous injuries, Rs.10,000/- for four simple injuries, Rs.20,000/- towards pain and suffering and Rs.15,000/- towards transportation, extra nourishment and attendant charges. Thus, in all the claimant is entitled to Rs.70,000/- as against Rs.35,000/- awarded by the tribunal.

11. In the result, the MACMA is allowed in part enhancing the compensation from Rs.35,000/- to Rs. 70,000/-. The enhanced compensation shall carry interest at 7.5% per annum from the date of order of the tribunal till the date of realization. Both 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.

Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE M.G. PRIYADARSINI

02.12.2022
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THE HON'BLE JUSTICE M.G. PRIYADARSINI

M.A.C.M.A. No. 1679 of 2014

DATE:02-12-2022