

**THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO****M.A.C.M.A.No.2743 OF 2015****JUDGMENT:**

This appeal is filed by the Appellant/claimant under Section 173 of the Motor Vehicles Act, aggrieved by the order and decree, dated 29.09.2015, passed in M.V.O.P.No.860 of 2012 on the file of the Motor Accident Claims Tribunal (I Additional District Judge), Nizamabad, (for short "the Tribunal").

2. For the sake of convenience, the parties will be hereinafter referred to as they are arrayed before the Tribunal.

3. Brief facts of the case are that the petitioner filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.5,00,000/- on account of injuries sustained by her in a motor vehicle accident. It is stated that the petitioner was aged about 40 years with the occupation of tailoring work and earning a monthly income of Rs.9,000/-. On 26.09.2012 while she was travelling on APSRTC bus bearing No.AP-28-Z-0403 (hereinafter referred to as crime vehicle) and reached Sevalal Thanda at Varni, the driver of the bus stopped the bus to enable her to get down from the bus and while she was

getting down from the bus, the driver of the bus started the bus negligently, as a result, she fell down and the left side front wheel ran over her right leg and she sustained multiple fracture injuries. She was shifted to Shashank Hospital, Nizamabad, wherein she was treated as an inpatient from 26.09.2012 to 11.10.2012. Dr. K. Mothilal of Shashank Hospital conducted major surgeries by fixing K-wires in the right foot. External fixation was also done to the right leg. She incurred a medical expenditure of Rs.1,00,000/-. She is not able to attend to her work.

4. Respondents filed a counter denying the allegations made in the petition.

5. To prove her case, the petitioner got examined PWs.1 and 2 and marked Ex.A1 to A14 and Ex.X1. On behalf of the respondents, RW.1 was examined and got marked Exs.B1 and B2.

6. On appreciation of the evidence on record, the Tribunal found that due to the negligence of the driver of the crime vehicle, the accident took place, as such, the Tribunal awarded compensation of Rs.1,59,000/- as against Rs.5,00,000/-. Aggrieved by the same, the present appeal is filed by the petitioner.

7. Heard both sides. Perused the record.

8. Learned counsel for the petitioner submitted that the petitioner was treated as an inpatient for 15 days, but the Tribunal failed to award any amount under the head attendant charges. He further submitted that the Tribunal granted a very meagre amount of Rs.70,000/- under different heads i.e. for two grievous injuries, one simple injury, and also the pain and suffering and the same is to be enhanced. He further contended that the Tribunal awarded Rs.14,000/- towards medical expenses and the same is to be enhanced. He further contended that the Tribunal awarded very meager amount of Rs.5,000/- under the head extra nourishment, and also awarded a very meagre amount of Rs.10,000/- towards future medication/surgery and the same is to be enhanced.

9. On the other hand, learned counsel for the respondents contended that the Tribunal has rightly awarded the compensation under different heads to the petitioner and no interference is required in the order passed by the Tribunal as the petitioner was treated under Arogyasree Scheme. Accordingly, prayed to dismiss the appeal.

10. Having considered the rival submissions of both parties and on perusal of the Award passed by the Tribunal, this Court is of the considered view that the Tribunal was not justified in awarding meagre amounts under some heads, as such, the same interfered in the following manner:

| <b>Head</b>                                                                   | <b>Amount arrived at by the Tribunal</b> | <b>Amount arrived at by this Court</b> |
|-------------------------------------------------------------------------------|------------------------------------------|----------------------------------------|
| For two grievous injuries, one simple injury, and also the pain and suffering | Rs.70,000/-                              | <b>Rs.1,00,000/-</b>                   |
| Medical expenses                                                              | Rs.14,000/-                              | <b>Rs. 20,000/-</b>                    |
| Extra nourishment                                                             | Rs. 5,000/-                              | <b>Rs. 10,000/-</b>                    |
| Future medication / surgery                                                   | Rs.10,000/-                              | <b>Rs. 20,000/-</b>                    |
| Loss of amenities                                                             | Rs.30,000/-                              | <b>Rs. 30,000/-</b>                    |
| Loss of earnings                                                              | Rs.20,000/-                              | <b>Rs. 20,000/-</b>                    |
| Transportation                                                                | Rs.10,000/-                              | <b>Rs. 10,000/-</b>                    |
| <b>Total</b>                                                                  | <b>Rs.1,59,000/-</b>                     | <b>Rs.2,10,000/-</b>                   |

11. Accordingly, the M.A.C.M.A. is allowed in part by enhancing the compensation amount from Rs.1,59,000/- to Rs.2,10,000/- (Rupees Two Lakh and Ten Thousand Only) with interest at 7.5% p.a. from the date of petition till the date of realization. The respondents shall deposit the said compensation amount together with interest and costs after giving due credit to

the amount already deposited, if any, within a period of two months from the date of receipt of a copy of this judgment. The petitioner is permitted to withdraw the same. There shall be no order as to costs.

As a sequel of which, miscellaneous petitions, if any, pending shall stand closed.

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**NAMAVARAPU RAJESHWAR RAO, J**

***1<sup>st</sup> day of March, 2023***

BDR