

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.984 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 16.09.2005 passed in M.V.O.P.No.226 of 1999 by the Motor Accident Claims Tribunal (VII Additional District Judge) (Fast Track Court), Nizamabad at Bodhan (for short, the Tribunal).

2. The brief facts of the case are that on 22.02.1999 at about 4.00 pm., while the appellant was traveling in a jeep bearing No.MFQT 1991 from Nizamabad towards Bodhan, and when the jeep reached near Bapunagar Village Bridge, the driver of the jeep stopped the same, at that time, lorry bearing No.AP11U 1399, which was coming behind the jeep in a rash and negligent manner, dashed the jeep. In the said accident, the appellant fell by the side of the nala and sustained fracture injuries. She filed aforesaid MVOP against respondent Nos.1 and 2, owner and insurer of aforesaid lorry, claiming compensation of Rs.2,00,000/- for the injuries sustained by her.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the lorry and awarded total compensation of Rs.13,000/- with interest @ 9% per annum, i.e., Rs.10,000/- towards fracture injury and Rs.3,000/- towards pain and suffering. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. A perusal of the record, it reveals that P.W.2, the doctor who treated the appellant, stated that he examined the appellant on 22.02.1999 and noticed fracture shaft left femur and the appellant was in the hospital till 28.02.1999. In view of the fracture injury sustained by the appellant, this Court feels that granting of Rs.10,000/- and Rs.3,000/- by the Tribunal towards fracture injury and pain and suffering are meager and the same are enhanced to Rs.15,000/- and Rs.8,000/- respectively. Apart from the same, the appellant is entitled to Rs.5,000/- towards extra-nourishment, Rs.1,000/- towards transportation and Rs.1,000/- towards future medicines.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.13,000/- to Rs.30,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of

claim petition till realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 30.08.2019
TJMR

