

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2092 of 2005

JUDGMENT:

The petitioner in O.P.No.209 of 2001 on the file of the Court of Motor Accident Claims Tribunal-cum-I Additional District Judge, Ranga Reddy District (for short, Tribunal) is the appellant herein.

2. The petitioner filed the said OP claiming compensation of Rs.1,00,000/- for the injuries sustained by him in a road accident that occurred on 13.09.2000. It was stated in the said OP that on 30.09.2000 at 7.30 am, while the petitioner was driving a scooter bearing No.AP28 E 4732 and proceeding towards Medchal from Sagar Hotel, Medchal, a lorry bearing No.APG 5349 came in the opposite side and hit the scooter, as a result of which, he sustained multiple injuries. He took treatment in the Yashoda Hospital, Somajiguda from 13.09.2000 to 25.09.2000.

3. The Tribunal framed the following issues.

- “1. Whether the accident occurred due to rash and negligent driving by the driver of the lorry bearing No.APG-5349 Dodge MGH (1961)?
2. Whether the vehicle involved in the accident is insured with the 2nd respondent?
3. Whether the petitioner is entitled for any compensation? If so, to what amount and against whom?
4. To what relief?”

4. The petitioner got himself examined as P.W.1 and examined the doctor who treated him as P.W.2 and marked Exs.A.1 to A.7 on his behalf.

5. The Tribunal, on the basis of the oral and documentary evidence, came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the lorry bearing No.APG 5349.

6. Ex.A.3 is the wound certificate issued by the Yashoda Hospital, as per which, the following injuries were recorded.

“Alleged to have met with RTA at Medchal, at about 8.30 A.M., in a head on collision with scooter and lorry, causing injury to right hip, inability to get up from fall indicating right femur”

7. With regard to the compensation, the Tribunal awarded an amount of Rs.30,000/- towards injuries, Rs.36,195/- towards medical expenses, Rs.10,722/- towards pain and suffering and Rs.5,000/- towards extra nourishment charges. The Tribunal also awarded an amount of Rs.15,186/- towards medical expenses and Rs.5,923/- towards medical bills for the treatment taken by the petitioner from 25.07.2002 to 30.05.2002 for his subsequent fall. In all, an amount of Rs.1,03,086/- was awarded by the Tribunal, by its award dated 21.04.2005 with 9% interest per annum. Seeking enhancement of the said compensation, the present appeal is filed.

8. It appears that after two years of the accident, the appellant had a fall and he again went to the doctor on 27.05.2002 with a broken screw and he was operated for removal of the steel plate and was discharged on 30.05.2002. But, the second fall cannot be attributed to the first accident. In spite of the same, the Tribunal awarded medical expenses for his hospitalization from 27.05.2002 to 30.05.2002 apart from awarding compensation for the injury sustained by him.

9. In view of the nature of injuries sustained by the petitioner, it cannot be said that the amount awarded by the Tribunal is not just and this Court sees no reason to interfere with the said award. Hence, the appeal fails and it is accordingly dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 14.12.2015
TJMR

