

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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M.A.C.M.A.No.1998 of 2005

Between:

Karapa Rambabu.

....Appellant

and

M.Venkata Rao and another.

....Respondents

JUDGMENT PRONOUNCED ON : 08.12.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1998 of 2005

JUDGMENT:

The appellant herein was the injured who filed M.V.O.P.No.355 of 2000 on the file of the Motor Accident Claims Tribunal, Guntur, seeking compensation of Rs.1,00,000/- for the injuries sustained by him in a motor accident that occurred on 05.11.1999 at about 8.00 pm when he was standing on the left side road margin along with some others on G.B.C.Road, Ponnur, and a lorry bearing No.AP 16 T 5427 came in a rash and negligent manner and hit him. In the said accident, the appellant sustained injuries and he was immediately shifted to the Government Hospital, Ponnur, from where he was shifted to Government General Hospital, Guntur, for further treatment. He was aged 23 years and was earning Rs.1,800/- per month as a coolie.

The Tribunal, on evidence, held that the accident occurred due to rash and negligent driving of the driver of the lorry and awarded an amount of Rs.13,000/- for the injuries. Seeking enhancement of the said compensation, the present appeal is filed.

This Court carefully perused Ex.A3 – wound certificate, which showed that the appellant received fracture injury in the lower 1/3rd region of right humerus and the other two injuries i.e., swelling of right thigh with lacerated injury and another lacerated injury over the right knee joint are simple in nature as the X-rays of right hip and right knee reveal no bone injuries. Though there is no evidence to show the period of hospitalization and loss of earnings during that period, since he received fracture injury in the lower 1/3rd region of right humerus, the appellant must have undergone surgery, but no amount was awarded towards the injuries by the Tribunal.

In the circumstances, an amount of Rs.20,000/- is awarded for the injuries sustained by the appellant in the accident. During the period of hospitalization, the appellant must have lost some income and it is quantified at Rs.5,000/-. An amount of Rs.10,000/- towards pain and suffering awarded by the Tribunal is not disturbed. However, an amount of Rs.3,000/- awarded by the Tribunal towards medical expenses including the attendant charges and other miscellaneous expenses and the same is enhanced to Rs.5,000/-. Hence, the amount of Rs.13,000/- awarded by the Tribunal is enhanced to Rs.40,000/- with interest at 9% per annum as awarded by the Tribunal.

The appeal is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

08.12.2015

vs

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