

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.1878 of 2005

Between:

Shaik Kader Basha.

....Appellant

and

P.Sivayya and another.

....Respondents

JUDGMENT PRONOUNCED ON : 26.11.2015

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.1878 of 2005

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JUDGMENT:

This appeal is preferred by the claimant in M.V.O.P.No.63 of 2002 on the file of the Motor Accident Claims Tribunal – cum – District Judge, Cuddapah, seeking enhancement of compensation awarded on 09.08.2004.

The case of the claimant was that on 12.11.2001 when he was travelling on a motor cycle along with two others from Cuddapah towards Khajipet and at about 3.30 pm, when they reached Balanagar, a jeep bearing No.AP 04 B 7038 came in opposite direction in a rash and negligent manner and hit the motor cycle, as a result of which he sustained injuries. The claimant was immediately shifted to Government Hospital, Cuddapah, where he underwent treatment. Later on, he underwent treatment at General Hospital, Kurnool. On account of the injuries, he sustained disability and, accordingly, claimed an amount of Rs.3,00,000/-.

The Tribunal framed the following issues:

“(1) Whether the petitioner received injuries in motor vehicle accident on 12.11.2001 due to rash or negligent driving of R.1's jeep bearing No.AP-04-B-7038 by its driver?

(2) Whether the petitioner is entitled for compensation and if so to what amount and from whom?

(3) To what relief?”

The Tribunal held that the accident occurred on 12.11.2001 due to rash and negligent driving of the jeep by its driver. The Tribunal assessed the amount spent towards medical bills as Rs.10,000/- and since the claimant was in bed for a period of three months, Rs.4,500/- was awarded, and Rs.5,000/- was awarded as transportation charges. Curiously, without giving details, a lump sum compensation of Rs.1,00,000/- was awarded .

In order to verify the injuries sustained by the claimant, this Court verified the documentary evidence, which showed that the claimant was initially referred by the Government Hospital, Cuddapah, to Kurnool Hospital on 12.11.2001. There is no evidence with regard to the admission in Kurnool Hospital. The disability certificate produced by the claimant under Ex.A14 is of the year 2004. P.W.2, who was examined, stated in the cross examination that he did not treat P.W.1 in Government Hospital, Cuddapah, on 12.11.2001. However, he stated that he treated the injured in Government Hospital, Cuddapah, from 05.03.2004 to 23.04.2004. The claimant himself was silent as to what happened after discharge in the month of December, 2001. The documentary evidence produced by the claimant relate to the period 2002, 2003 and 2004. There is no evidence on record to show the injuries sustained by him initially at the time of accident.

In the circumstances, this Court feels that the award of Rs.1,00,000/- awarded by the Tribunal by its award dated 09.08.2004 does not deserve any enhancement.

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

(A.RAMALINGESWARA RAO, J)

26.11.2015

vs

