

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

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C.M.A.No.1711 OF 2003

Between:

Ch.Subramanyam and another.

....Appellants

and

A.Ravinder and others.

....Respondents

JUDGMENT PRONOUNCED ON : 02.12.2015

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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C.M.A.No.1711 OF 2003

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JUDGMENT:

The appellants are the claimants in O.P.No.365 of 1999 on the file of the Motor Accident Claims Tribunal – cum - Additional Special Judge for SPE & ACB Cases – cum – V Additional Chief Judge, City Civil Court, Hyderabad. The first claimant filed the petition claiming an amount of Rs.8,51,844/- and the second claimant claimed Rs.1,92,500/- with the allegation that while they were travelling in their Maruti car bearing No.AP 15 G 5666 on 20.05.1998 from Kamareddy to Jyothinagar in Karimnagar District and near Malyalpally, a lorry bearing No.AAP 322 came in the opposite direction in a rash and negligent manner and hit their car thereby causing intensive damage to their car and also injuries to them. The Tribunal framed the following issues:

- “1. Whether the petitioners sustained injuries on 20-5-1998 in the motor vehicle accident due to rash and negligent driving of 1st respondent's lorry by its driver?
2. Whether the petitioners are entitled for compensation, if so, to what amount and from whom?
3. To what relief?”

The claimants examined P.Ws.1 and 2 and marked Exs.A1 to A8. Ex.B1 was marked with the consent of the third respondent.

The Tribunal held that the accident occurred due to rash and negligent driving of the lorry bearing No.AAP 322 by its driver. With regard to the injuries

sustained by the claimants, the claimants filed Exs.A6 and A7 – discharge summary and out patient certificate, issued by the National Institute of Mental Health, Bangalore. The Tribunal, after considering the oral and documentary evidence, awarded the following amounts and dismissed the claim of the second claimant.

Disability - Rs.50,000.00

Pain and suffering - Rs.20,000.00

Physiotherapy - Rs.40,000.00

Leave salary - Rs.75,000.00

Total - Rs.2,10,000.00

Since the present appeal is filed seeking enhancement of compensation, this Court carefully perused the evidence adduced on behalf of the first claimant. The first claimant was working as Senior Manager in NTPC at Ramagundam, Karimnagar District, and after the accident he was promoted as Deputy Manager. Thus, there was no pecuniary loss due to the accident and the same was taken note by the Tribunal. No record was filed with regard to the injuries or treatment taken immediately after the accident on 20.05.1998. Exs.A6 and A7 were issued in the month of September and August 1998 respectively. Those certificates were issued by the concerned doctors who attended the first claimant at that point of time. The Tribunal assessed the disability at 25% without any evidence and awarded an amount of Rs.50,000/- towards permanent disability sustained by the first claimant. The first claimant deposed that the expenses for treatment in Medwin hospital were borne out by his department. However, considering the nature of the injuries, the Tribunal awarded an amount of Rs.40,000/- towards physiotherapy charges and granted salary for seven months during which he took treatment. Thus, in all an amount of Rs.2,10,000/- was awarded by award dated 29.10.2002, and in view of the oral and documentary evidence adduced by the claimants, this Court feels that it is a just compensation, which does not warrant 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)

02.12.2015

vs

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