

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

FRIDAY THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

MACMA.NO. 1811 OF 2005

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Between:

APSRTC

Represented by its Managing Director,
Musheerabad, Hyderabad. ... Appellant

V/s.

Nunna Bhaskar & Anr. ... Respondents

Counsel for the appellant : Smt. P. Rajani Reddy

Counsel for the Respondents: Sri P. Veera Reddy

R-1 Appearance

R-2 Not necessary

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

MACMA.NO. 1811 OF 2005

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JUDGMENT :

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Heard Sri B. Mayur Reddy, learned counsel for appellant and learned counsel
for respondent No.1.

2. The appeal is directed against the award dated 11/8/2003 in MVOP.No.193 of 2000 in the court of Motor Accident Claims Tribunal-cum-Principal District Judge at Khammam.

3. The second respondent in the OP is the appellant. The first respondent filed MVOP.No.193 of 2000 claiming compensation of Rs.1,00,000/- for the injuries sustained by him in the motor vehicle accident at 10:00 p.m., on 18/9/1999. The vehicle involved in the accident was the bus bearing No.AP-9-Z-5660.

4. The first respondent by claiming that he earns about Rs.50,000/- per annum by way of agricultural income and incurred Rs.15,000/- towards medical treatment and suffered 100% disability from the injuries claimed compensation of Rs.1,00,000/-.

5. The appellant denied the quantum of compensation and on this aspect of the matter, the Tribunal framed the following point for consideration:

“Whether the petitioner is entitled to claim any compensation? If so, to what amount and from which of the respondents ?”

6. The first respondent examined himself as PW-1, the doctor, Dr.P.N.V.S.V. Prasad as PW-2 and marked Exs.A-1 to A-6. On behalf of appellant, one Ramulu was examined as RW-1.

7. The Tribunal on issue No.2 has found that the first respondent suffered injury to right leg, tibia and fibula and fracture to nose bridge and multiple injuries all over the body. The nature of injuries pleaded by the first respondent is

evidenced by oral and documentary evidence. One of the circumstances taken note of by the Tribunal is that as against the stated disability 25 to 30%, it can be said that the first respondent suffers from 28% of disability. The income of first respondent is arrived at Rs.12,000/- and by applying the multiplier of 17 determined, future loss of income is taken at Rs.7,120/-. A sum of Rs.3,000/- was awarded by the Tribunal towards medical expenses, Rs.4,000/- towards extra-nourishment etc and Rs.7,500/- towards pain and suffering. Hence, by taking into consideration the award of compensation under the above heads, a sum of Rs.76,120/- was determined as compensation by the Tribunal. Hence, the appeal.

8. The learned counsel for the appellant contends that the findings of the Tribunal that the disability can be treated as 28% is hardly without any basis and not in conformity with the documentary evidence placed on record by the first respondent. According to him, payment of Rs.57,120/- towards loss of future income from the disability is not just and proper. He further contends that the direction to pay interest at 9% p.a. is not in line with the interest directed to be paid by the Apex Court and prays for modifying the award accordingly.

9. The learned counsel appearing for respondent draws the attention of the court to Exs.A-3 to A-6 and oral evidence of PWs-1 and 2 and contends that the award of compensation of Rs.76,120/- is just and proper and the submission of the appellant are without merit.

10. Perused the material available on record and taken note of the submissions of learned counsel appearing for the parties.

11. Now, the short point for consideration is “whether the compensation awarded by the Tribunal in the Award under challenge is just and proper.

12. The injuries suffered by the first respondent are grievous and multiple, resulting in fracture of right leg, tibia, fibula and nose bridge. The first respondent suffered multiple injuries all over the body. The first respondent was treated both as in-patient and out-patient. It is certified by Doctor PW-2 that the overall disability after treatment and recovery is 30%. In support of various amounts spent by the first respondent towards medical expenses sufficient material is placed on record and the Tribunal after taking note of the probable expenditure incurred by a patient has made reasonable deductions from the amounts claimed by the first respondent. Keeping in mind, the age of the first respondent at the time of accident and 28% disability the first respondent suffered in my considered view, no ground is made out for interfering with the award under challenge. Therefore, the compensation awarded by the Tribunal in my considered opinion is just and proper.

13. Appeal fails and is dismissed. No order as to costs.

14. As a sequel, miscellaneous petitions if any, pending in this MACMA shall stand closed.

JUSTICE S.V. BHATT

06/11/2015

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HONOURABLE SRI JUSTICE S.V. BHATT

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