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

* * * *

M.A.C.M.A.No.2704 of 2015

Between:
Yanna Krishna Reddy.

....Appellant

and

Sundari Srinivas and another.

....Respondents

JUDGMENT PRONOUNCED ON : 01.12.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

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

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

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? : No

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No.2704 of 2015

JUDGMENT:

This appeal is preferred by the injured who claimed an amount of Rs.1,00,000/- for the injuries sustained by him in a motor accident that occurred on 08.03.2000 at about 5.45 pm when he was going along with his friend on a scooter from Seetharampuram locality. The injured was a pillion rider of the scooter bearing No.AP 24E 3235 driven by his friend. When they reached near Bharath Gas Agency office, another scooter bearing No.AP 24 B 2592 driven by its driver came in a rash and negligent manner and hit their scooter, as a result of which, they fell down and received injuries. Immediately, they were shifted to

Government Civil Hospital, Suryapet, and later on they were referred to Osmania General Hospital, Hyderabad. The claimant was admitted at Mediwin Hospital, Hyderabad. The claimant was earning Rs.3,500/- per month by doing agriculture. The first respondent – owner of the vehicle, remained *ex parte*, and the second respondent contested the case.

On the basis of the pleadings, the Tribunal framed the following issues:

> "1. Whether the accident was occurred to the scooter bearing No.AP 24 E 3235 wherein the petitioner received injuries?
>
> 2. Whether the petitioner is entitled to any compensation, if so to what amount and against whom?
>
> 3. To what relief?"

The claimant was examined as P.W.1 and Exs.A1 to A4 were marked. The insurance policy was marked as Ex.B1.

The Tribunal, on the basis of the evidence, held that the accident occurred due to rash and negligent driving of the scooter by its driver where P.W.1 sustained injuries.

The Tribunal noticed that the injuries sustained by the claimant were two injuries, one was lacerated injury on right eyebrow and the other injury was contusion. As per Ex.A2 – wound certificate, the first injury was grievous in nature, but the Tribunal did not consider it as a grievous injury as it is only a lacerated injury of 2½ X 1/8 X 1/8. Even in the discharge card issued by the Mediwin Hospital also there was no mention about the grievous injury. However, the Tribunal awarded an amount of Rs.5,000/- towards grievous injury and Rs.1,000/- towards simple injury under the head pain and suffering. Though the claimant filed a bunch of bills under Ex.A3 to show that he spent nearly Rs.1,70,000/-, in the absence of examining any person in proof of the said bills and also in view of the fact that he received only a lacerated injury on the right eyebrow, the claim for Rs.1,70,000/- was not

believed. An amount of Rs.2,000/- was awarded for medicines and treatment. Thus, an amount of Rs.8,000/- was awarded by award dated 07.05.2004. Seeking enhancement of the said award, the present appeal is filed.

From the evidence adduced by the claimant it is clear that the claimant sustained injuries in the accident that occurred on 08.03.2000. Though he claimed that he was initially treated in Government Civil Hospital, Suryapet, and later on was treated in Mediwin Hospital, Hyderabad, except filing Ex.A3 – bunch of medical bills, no evidence was produced. In the absence of such evidence, the Tribunal rightly brushed aside the medical expenditure incurred by the claimant. However, taking into consideration the injuries sustained by the claimant, some medical treatment taken by him and the pain and suffering he underwent for such treatment, this Court feels it just and proper to award an amount of Rs.20,000/- in the place of Rs.8,000/- awarded by the Tribunal.

The appeal is, thus, partly allowed enhancing the compensation from Rs.8,000/- to Rs.20,000/- with the same rate of interest as awarded by the Tribunal. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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(A.RAMALINGESWARA RAO, J)

01.12.2015
vs