

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.1944 of 2005

Between:

Neerudi Sailoo

....Appellant

and

M/s.Maha Lakshmi Transport and another.

....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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M.A.C.M.A.No.1944 of 2005

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JUDGMENT:

The appellant is the claimant in M.V.O.P.No.79 of 2002 on the file of the II Additional District and Sessions Judge (FTC), Medak at Sangareddy. He filed the said petition claiming compensation of Rs.1,00,000/- for the injuries sustained by him in a motor accident that occurred on 24.01.2001 when he was coming from Nallagandla towards Lingampally side on his bicycle. At about 3.00 pm when he was in front of A-1 Chicken Centre, a lorry tanker bearing No.AP 28 T 5719 came from behind driven by its driver in a rash and negligent manner at a high speed and dashed his bicycle due to which the cycle was completely damaged and the claimant fell down and received fracture and other injuries. The Tribunal framed the following issues:

“1. Whether the alleged accident occurred due to the rash and negligent driving of the Lorry bearing No.AP-28-T-5719 by its driver and the claimant sustained injuries in the said accident?

2. Whether the claimant is entitled for compensation, if so, at what quantum?

3. To what relief?”

Before the Tribunal, the claimant was examined as P.W.1 and Exs.A1 to A8 were marked. The insurance policy was marked as Ex.B1 with the consent of both sides. The Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the lorry bearing No.AP 28 T 5719.

With regard to the quantum of compensation, the Tribunal noticed that the claimant sustained only one simple injury and awarded an amount of Rs.3,000/- towards such simple injury. The Tribunal based its finding on Ex.A3 – injury certificate issued by the Medical Officer, R.C.Puram. Though the claimant filed medical bills for an amount of Rs.26,550/-, since the doctor who treated the claimant was not examined, an amount of Rs.4,000/- was awarded towards medical expenses. An amount of Rs.1,000/- was awarded towards damages of bicycle. An amount of Rs.2,000/- was awarded for mental agony. In all, an amount of Rs.10,000/- was awarded as compensation.

I have carefully perused the injury certificate produced under Ex.A3, which shows that the claimant sustained the following injuries:

“Avulrim injury extending from the posterior aspect of L thigh to the lateral aspect of L leg upper 2/3rds c underlying structures seen.”

Ex.A6 – O.P.Card, shows that the claimant was admitted in the hospital on 24.01.2001 and he was operated on 22.02.2001. He was discharged on 26.02.2001. Those things were not taken into consideration by the Tribunal. The photograph of the claimant available in the record shows that some skin grafting was also done.

In the circumstances, the finding recorded by the Tribunal that the claimant sustained only one simple injury is not correct. Considering the nature of the injuries sustained by the claimant and the surgery underwent by him, this Court feels that an amount of Rs.25,000/- can be awarded to the claimant for the injuries sustained by him. The claimant filed medical bills for an amount of Rs.26,550/- and it can be enhanced to Rs.20,000/- as those medicines would be required for the patient who underwent skin grafting and was in hospital for a period of about one month. No amount was awarded towards pain and suffering, but an amount of Rs.2,000/- was awarded for mental agony. Hence, an amount of Rs.10,000/- is awarded towards pain and suffering. The claimant must have lost his business during the period of hospitalization and somebody must have attended on him during the period of treatment. Considering the said fact, an

amount of Rs.5,000/- is awarded for the period of hospitalization. But, the amount of Rs.1,000/- towards damage to the bicycle is retained. Thus, the award of compensation awarded by the Tribunal is enhanced as follows:

Heads Award of Tribunal Enhancement

Rs. Rs.

Injuries	3,000.00	25,000.00
Medical expenses	4,000.00	20,000.00
Damage to bicycle	1,000.00	1,000.00
Mental agony	2,000.00	10,000.00
(pain and suffering)		
Loss of earnings -	5,000.00	

Total	10,000.00	61,000.00

In all, the award is enhanced to an amount of Rs.61,000/- and the enhanced amount of compensation shall carry 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)

02.12.2015

vs

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