

**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.Nos.1776 of 2005; 1734 and 1752 of 2007**

Between:

Charla Surendhar Reddy and others.

....Appellants

and

S.Ramesh 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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**M.A.C.M.A.Nos.1776 of 2005; 1734 and 1752 of 2007**

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**COMMON JUDGMENT:**

M.A.C.M.A.No.1776 of 2005 is filed by the claimant in O.P.No.1187 of 2002.  
M.A.C.M.A.No.1734 of 2007 is filed by the claimant in O.P.No.1156 of 2002 and  
M.A.C.M.A.No.1752 of 2007 is filed by the claimant in O.P.No.1189 of 2002.

All these appeals are being disposed of by this common judgment as they arise out of the same accident.

The claimants filed these appeals seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal – cum – II Additional District Judge at Warangal, by common award dated 06.08.2004.

It is the case of the claimants that on 16.07.2002 at about 6:30 am while they were proceeding to the house of one N.Muthaiah in an auto bearing No.AP 36 V 3940, they met with an accident at Zoo Park, Hunter Road, Hanamkonda, due to rash and negligent driving of the driver of the auto by applying sudden breaks in a bid to avoid head on collision with one scooter which was coming from opposite direction. In the said accident, the auto turned turtle resulting in bodily injuries to the claimants. They claimed an amount of Rs.1,50,000/- each. The Tribunal framed the following issues:

- “1. Whether the accident took place due to rash and negligent driving of the Auto bearing No.AP-36-V-3940 by its driver?

2. Whether the petitioners are entitled for compensation, if so, what amount and from whom?

3. To what relief?"

The Tribunal held that the accident occurred due to rash and negligent driving of the driver of the auto bearing No.AP 36 V 3940 by its driver.

With regard to compensation, the claimants filed Exs.A39, A4 and A93 towards the injuries sustained by them. In support of their claim for medical bills, they filed Exs.A40 to A90. Accordingly, the Tribunal awarded an amount of Rs.46,802/- to the claimant in O.P.No.1156 of 2002, Rs.54,030/- to the claimant in O.P.No.1187 of 2002 and Rs.50,544/- to the claimant in O.P.No.1189 of 2002.

This Court carefully perused the wound certificates exhibited under Ex.A39, A4 and A93 and they were issued by one Orthopedic Surgeon, who did not treat the claimants. The claimants did not file any medical certificate at the time of admission in the hospital or immediately after the accident. There is no averment with regard to their admission in the Government hospital or treatment by a qualified medical practitioner. No doctor was examined. P.Ws.1 to 3 are the claimants.

In the absence of any evidence with regard to the nature of injuries sustained by them and proof of the same by the doctor, who attended on the claimants, this Court is not inclined to enhance the amount awarded by the Tribunal and the award passed by the Tribunal is confirmed.

All the appeals are, accordingly, dismissed. 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)

02.12.2015

VS

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