

**HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO**

M.A.C.M.A.No. 2027 OF 2005

DATED 9<sup>TH</sup> December, 2015

BETWEEN

APSRTC, rep. by its Managing Director,  
Mushierabad, Hyderabad.

....Appellant

And

Jannu Ravi (minor) S/o Narsaiah  
Minor represented by his natural father  
And guardian Jannu Narsaiah.

...Respondent.

**HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO**

M.A.C.M.A.No. 2027 OF 200`5

**JUDGMENT:**

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This appeal is preferred by the Andhra Pradesh State Road Transport Corporation against the Award dated 10.05.2005 passed by the Motor Accident Claims Tribunal-cum-I Additional District Judge, Warangal in O.P.No.498 of 2003. The said OP was filed by the minor injured claimant claiming compensation of Rs.2,50,000/- on account of the injuries suffered by him in a motor vehicle accident that occurred on 5.6.2001. It was alleged in the claim petition that on 5.6.2001 during after noon hours when he was returning to home from a kirana shop and when he reached near the fields of Gorla Venkateshwarlu situated by the side of Chintha Nekkonda road, a RTC bus bearing

registration No. AP 9Z 8422 being driven by its driver in rash and negligent manner came in opposite direction and dashed the bicycle of the claimant, as a result of which, he felled down and sustained grievous injuries.

Before the Tribunal, the appellant/APSRTC filed a counter affidavit denying the averments made in the claim petition. It was stated in the counter that the claimant himself was responsible for the accident and that there was no fault on the part of the driver of the bus. It was further alleged that the compensation claimed by the claimant is on higher side.

Based on the above averments, the Tribunal framed the following issues for settlement.

1. Whether the accident took place on account of the rash and negligent driving of the bus bearing No. AP 9Z 8422 by its driver or due to the negligence on the part of the minor petitioner ?
2. Whether the petitioner is entitled to any compensation. If so, to what amount and from whom ?
3. To what relief.

During the course of trial, the claimant himself was examined as P.W. 1 and one Dr. Kali Prasad was examined as P.W.2 and Exs.A.1 to A13 were marked on their behalf. On behalf of the APSRTC, RW.1 was examined and no documentary evidence was adduced on its behalf.

On a thorough examination of the oral and documentary evidence on record, the Tribunal came to the conclusion that the

accident occurred due to rash and negligent driving of the bus by its driver.

With the regard to the award of compensation, the Tribunal noticed that as per Ex.A.3 wound certificate and Ex.A.7 discharge card issued by the M.G.M. Hospital, Warangal, the claimant was admitted in the said Hospital on 5.6.2001 as an inpatient for the grievous injuries on the left upper thigh, left upper chest and two other simple injuries. As per evidence of P.W.2, the claimant was admitted in Hariteja Orthopedic Hospital after discharge from M.G.M. Hospital, Warangal on 7.10.2002 with infected intramedullary nail of left femur and he was undergone surgery twice on 17.10.2002 and 31.1.2003. During the course of treatment, Suquestrectomy plus Elizarov Ring Fixation was done to the claimant and he was discharged on 18.12.2002. As per Ex.A.7 issued by the MGM hospital, P.W.1 was admitted in MGH Hospital on 5.6.2001 and intramedullary nail was done on 26.6.2001. Considering the same, the Tribunal awarded an amount of Rs.50,000/- towards pain and suffering and Rs.1,00,000/- towards permanent disability. The Tribunal also awarded Rs.20,000/- towards medicines and Rs.5,000/- towards extra-nourishment. Thus in all the Tribunal awarded compensation of Rs.1,75,000/-.

Challenging the quantum of compensation, APSRTC preferred the present appeal.

The learned Counsel for the appellant-APSRTC submits that award of compensation at Rs.50,000/- towards pain and suffering and Rs.1,00,000/- towards permanent disability was excessive and unwarranted.

This Court carefully perused the evidence on record, In view of the injuries suffered by the respondent/claimant, he has undergone treatment in M.G.M. Hospital from 5.6.2001 to 27.7.2001 and thereafter in Hariteja Orthopedic Hospital from 7.10.2002 to 18.12.2002. Thus the amount of compensation awarded by the Tribunal towards pain and suffering at Rs.50,000/- cannot be held to be excessive at all. The Regional Medical Board issued disability certificate under Ex.A.12 assessing the disability suffered by the respondent/claimant at 60%. However, the Tribunal took the disability suffered by the claimant at 30% only and therefore award of Rs.1,00,000/- on the said count cannot be said to be on higher side. The claimant was minor at the time of accident. In the facts and circumstances of the case, the award passed by the Tribunal cannot be interfered with by this Court.

The appeal is accordingly dismissed. Miscellaneous petitions pending consideration if any in the appeal shall stand closed in consequence. No order as to costs.

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**JUSTICE A. RAMALINGESWARA RAO**

DATED 9<sup>th</sup> December, 2015. .

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