

**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.2105 of 2005

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Between :

C. Venkaiah S/o.late C.Durgaiah

... Petitioner

AND

Mohd. Sajeed and another

... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

M.A.C.M.A.No.2105 of 2005

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JUDGMENT :

The injured in a motor accident that occurred on 12.02.2002 filed O.P.No.922 of 2002 on the file of the Motor Vehicles Accidents Claims Tribunal-cum-V Additional Chief Judge, City Civil Court, Hyderabad, claiming compensation of Rs.2,00,000/- for the injuries sustained by him in the said accident.

2. The petitioner filed claim petition stating that on 12.02.2002 at about 1.30 p.m. while he was going on the scooter bearing No.ABD 4341 as a pillion rider, a motor cycle bearing No.AP 37 6125 came in opposite direction and dashed the scooter, as a result of which, he fell down

and received injuries.

3. The owner of the motor cycle-1st respondent remained ex parte. The case was contested by the 2nd respondent-Insurance company.

4. On the basis of the pleadings, the following issues were framed by the Tribunal:

1. Whether the petitioner sustained injuries due to the rash and negligent driving of the offending vehicle by its driver?
2. Whether the petitioner is entitled for compensation, if so, to what amount and from whom?
3. To what other relief?

5. On behalf of the petitioner, PWs.1 and 2 are examined and Exs.A.1 to A.9 were marked. No oral evidence was adduced on behalf of the 2nd respondent, but Ex.B.1-copy of policy is marked.

6. On the basis of oral and documentary evidence, the Tribunal came to the conclusion that the said accident occurred due to rash and negligent driving of the driver of the motor cycle bearing No.AP 37 6125.

7. With regard to the compensation, the petitioner stated that he was a pot maker and he took treatment in Nihar Orthopedic Centre, Hyderabad, from 12.02.2002 to 08.04.2002 and he under went operations on three occasions. PW.2, who is a Doctor, was examined on behalf of the petitioner in support of the treatment given to him. The Tribunal awarded an amount of Rs.10,000/-

towards pain and suffering and Rs.52,280/- towards medicines and extra nourishment. It also awarded an amount of Rs.1,000/- towards transportation and Rs.3,000/- towards loss of earnings for a period of two months. Thus, an amount of Rs.66,280/- was awarded against the claim of Rs.2,00,000/-. Seeking enhancement of the said compensation, the present appeal is filed.

8. As can be seen from the order of the Tribunal, nothing was awarded for the injuries sustained by the petitioner in the motor accident. As per Ex.A.4-wound certificate, the petitioner sustained fracture of his right leg and he was hospitalized for two months and he was operated on three occasions. In the circumstances, it would be just and necessary to award an amount of Rs.25,000/- for the injuries sustained by the petitioner. The Tribunal awarded an amount of Rs.10,000/- towards pain and suffering needs to be enhanced to Rs.20,000/-. An amount of Rs.52,280/- awarded towards medicines, extra nourishment and other medical nursing does not require any enhancement in view of the reasons given by the Tribunal. However, an amount of Rs.5,000/- towards attendant charges can be awarded. The Tribunal awarded an amount of Rs.1,000/- towards transportation and it is retained as it is and loss of earnings is enhanced from Rs.3,000/- to Rs.6,000/-. Thus, the petitioner is entitled to Rs.1,09,280/-. The enhanced amount shall carry the same rate of interest at 9% per annum.

9. The appeal is, accordingly, allowed in part.
10. Miscellaneous petitions pending, if any, shall stand closed. No costs.

A. RAMALINGESWARA RAO, J

16th December 2015.

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