

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.1727 of 2005

Between:

V.L.S.B.Narayana Reddy @ V.Narayana Reddy

....Appellant

and

K.V.Rajesh and another.

....Respondents

JUDGMENT PRONOUNCED ON : 01.12.2015

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.1727 of 2005

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JUDGMENT:

This appeal is preferred by the claimant seeking enhancement of compensation awarded in M.V.O.P.No.53 of 2000 by the learned I Additional District Judge, Guntur, by award dated 04.11.2004.

The case of the claimant is that on 18.10.1999 while he was traveling along with his son and brother in a Hitech Bus bearing No.KA 02C 7777 from Tirupati to Guntur, at about 3.30 am on 19.10.1999 when they reached near a petrol bunk near Manubolu on Guntur road, the driver of the said bus drove the same in a rash and negligent manner with high speed and applied sudden breaks, as a result of which the claimant was forced to jump and hit the top portion of the bus and fell down. He received fracture injury to his back bone and multiple fractures all over the body. He was immediately admitted in Apollo Hospital, Nellore. After discharge, he was taking treatment in Guntur. Manubolu Police registered a case in Crime No.106 of 1999 under Section 338 IPC. The claimant was working as a document writer and earning Rs.200/- per day. Due to the accident, he was not able to do any work. Therefore, he filed the claim petition claiming a compensation of Rs.3,00,000/-.

The first respondent was set *ex parte*. The second respondent filed counter stating that the driver of the crime vehicle was not having valid driving licence and, hence, they are not liable to pay any compensation.

The Tribunal framed the following issues:

- “1 . Whether the accident took place due to the rash and negligent driving of the Driver of the bus KA 02C 7777?

2. Whether the petitioner is entitled to the compensation, if so, what amount and from which of the respondents?

3. To what relief?"

The claimant examined P.Ws.1 to 3 and marked Exs.A1 to A12 and X-1. The second respondent marked Ex.B-1 – copy of the policy, with consent.

With regard to the first issue, the Tribunal held that the accident occurred due to rash and negligent driving of the bus bearing No.KA 02C 7777 by its driver.

Regarding quantum of compensation, the claimant deposed that he received fracture injury to his spinal cord and took treatment in Apollo Hospital, Nellore. Considering the oral and documentary evidence, the Tribunal held that the claimant sustained one fracture and according to the Doctor, the disability was 30%. The Tribunal, therefore, awarded an amount of Rs.15,000/- for the fracture. An amount of Rs.30,000/- was awarded towards 30% disability. Based on the medical bills produced by the claimant and the evidence of the doctor, who treated the claimant, an amount of Rs.8,640/- and an amount of Rs.19,380/- was awarded besides Rs.70/-. In all, the Tribunal awarded Rs.73,090/- as compensation.

The Tribunal noticed that P.W.2 was not the Doctor who treated the claimant. But he deposed with regard to Exs.A4, 5, 7, 9 and 12. He certified that the claimant sustained 30% disability. It was not certified by a medical board. The wound certificate – Ex.A8, was also not issued by him. Ex.A10 showed that the claimant sustained anterior wedge compression of L1 vertebral body.

I have carefully perused the award passed by the Tribunal and keeping in

view the nature of injuries and the date of the accident, the award of the Tribunal is found to be just and proper.

In the circumstances of the case, the award of the Tribunal does not warrant any enhancement and the appeal is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

01.12.2015

vs

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