

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

TUESDAY THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

MACMA.NO. 1555 OF 2005

Between:

Gudla Rajamma ... Appellant

V/s.

P.Sreenivasulu & Anr. ... Respondents

Counsel for the appellant : Sri Md.Saleem

Counsel for the Respondents: Smt.I. Mamu Vani

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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JUDGMENT :

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Heard Sri Md. Saleem, learned counsel for the appellant
and Smt.I.Mamu Vani learned standing counsel for the respondent.

2. For the sake of convenience, the parties are referred as
they are arrayed in the Tribunal.

3. The petitioner in MVOP.No. 200 of 2001 is the appellant
in the Court of Motor Accident Claims Tribunal-cum-VII-Additional
District Judge, Madanapalle. This appeal is filed for enhancement
of compensation. The Tribunal through award dated 23/9/2004,
awarded Rs.18,500/- as compensation to the petitioner. Aggrieved
by the said determination and payment of a part of the amount
claimed by the Tribunal, the appeal is filed.

4. On 30/7/2001 the petitioner and her family members were
travelling in a jeep bearing No. AP-03-B-2899 to go to Galiveedu.
At about 11:30 a.m., when the said jeep reached Ontillu, the jeep
turtled due to the rash and negligent driving of the said jeep. In the
accident, the petitioner sustained fracture of her left hand wrist,
lacerated and multiple injuries all over the body. It is the case of
petitioner that she had taken treatment as inpatient for ten days

and on account of fracture of left hand wrist, the petitioner was advised restricted use for two months. The petitioner complains that due to fracture injury, she is unable to do weaving work muchless cooking at home. She is deprived of her daily earning of Rs.120/-. The petitioner claims to have incurred Rs.5,000/- towards medical expenses and Rs.10,000/- for domestic help.

5. Respondents filed counter-affidavits and have broadly denied each and every one of the allegations of the claim-petition. On the quantum of compensation claimed by the petitioner, the respondents denied the intensity of injuries, deprivation of any livelihood muchless earning.

6. The Tribunal framed the following issues for consideration:

1) Whether the accident occurred due to the rash and negligent driving of the offending vehicle jeep bearing No.AP-03-B-2899 involved in the accident and whether it resulted in injuries to the petitioner?

2) Whether the petitioner is entitled for compensation, and if so, payable by whom and to what extent ?

6. The petitioner examined herself as PW-1 and Dr.M.Sanjeev Rayudu as PW-2. The petitioner exhibited Exs.A-1

to A-3. One B. Krishnappa was examined as RW-1 and Ex.B-1 was marked.

7. The Tribunal granted compensation as follows:

- i) compensation for fracture of left wrist :
Rs.15,000/-
- ii) compensation for simple injury : Rs.
1,000/-
- iii) medical expenses : Rs.
2,000/-
- iv) transportation : Rs.
500/-

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7. Learned counsel for petitioner contends that the Tribunal ought to have granted compensation as prayed for and relies upon Exs.A-1 to A-3 and the oral evidence of PW-2 for enhancement of compensation.

8. Learned Standing Counsel submits that from any standard and by reference to the material available on record, it cannot be said that the compensation awarded by the Tribunal is either unjust or improper and prays for dismissal of the appeal.

9. Now the point for consideration is “whether the petitioner is entitled for enhancement of compensation ? If so, to what extent ?

10. The findings on the issues are not referred to for brevity

and I propose to decide the point framed in the appeal by reference to Exs.A-2 and A-3. From wound certificate, it is clear that the fracture to left hand is not as simple as it is sought to be held by the Tribunal and at the same time it is not as grievous as the petitioner tries to project in this appeal. The Tribunal awarded a sum of Rs.15,000/- towards injury to the left wrist and considering the nature of injury together with Ex.A-3 and the oral evidence of PW-2 in my considered view, the compensation can be enhanced by Rs.2,000/- and consequently a sum of Rs.17,000/- is determined as compensation for injury to left wrist. The petitioner being a lady eking out her livelihood as a weaver, it cannot be said that the fracture did not interfere with the effective functioning as a weaver, so the compensation that can be granted Rs.20,000/-. Likewise, the compensation for simple injury is enhanced from Rs.1000/- to Rs.2,000/-. Awarding transportation charges from Ontillu to local hospital, from local hospital to Madanapalle and back to petitioner's native village can be enhanced by Rs.1,000/- more and accordingly the compensation re-determined is as follows:

i) compensation for fracture of left wrist :
Rs.20,000/-

ii) compensation for simple injury	:	Rs.
2,000/-		
iii) medical expenses & transportation	:	Rs.
1,500/-		
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-----	Total	:
Rs.23,500/-		=====

The petitioner is entitled to interest @ 7.5% per annum on the enhanced amount from the date of petition till the date of deposit.

11. The appeal is allowed in part. No costs.

12. As a sequel, miscellaneous petitions if any, pending in this MACMA shall stand closed.

JUSTICE S.V. BHATT

03/11/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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MACMA.NO. 1555 OF 2005

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