

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.2024 of 2005

Between:

Ayithagoni Yadaiah.

....Appellant

and

K.Srinivas and another.

....Respondents

JUDGMENT PRONOUNCED ON : 08.12.2015

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.2024 of 2005

JUDGMENT:

The claimant in O.P.No.21 of 2004 on the file of the Motor Accident Claims Tribunal, Hyderabad, is the appellant herein.

The claimant filed the above petition claiming an amount of Rs.1,00,000/- for the injuries sustained by him in a motor accident that occurred on 28.10.2003 at noon. On that day while he was boarding the auto bearing No.AP 13 W 2770 at Panama godown, Vanasthalipuram, Hyderabad, the driver of the auto started and drove it in a rash and negligent manner due to which he fell down and the auto ran over his leg and caused fracture. He was shifted to Medicare Hospital, L.B.Nagar, and he was inpatient from 28.10.2003 to 10.11.2003.

The Tribunal framed the following issues:

“1 .Whether the accident resulting in injuries to the petitioner occurred due to rash and negligent driving of the driver of auto bearing No.AP 13 W 2770?

2. Whether the petitioner is entitled for compensation, if so to what amount and from whom?

3. To what relief?”

The claimant examined himself as P.W.1 and marked Exs.A1 to A8.

The Tribunal, on evidence, held that the accident occurred due to rash and

negligent driving of the auto driver.

The Tribunal took into consideration Ex.A3 – wound certificate, and Ex.A6 – discharge card, which showed that the claimant was in hospital from 28.10.2003 to 10.11.2003. It also revealed that he received fracture of medial malleolus of right ankle, which was grievous in nature. The claimant filed Ex.A4 – bunch of medical bills, showing that he spent an amount of Rs.30,000/-. He also filed Ex.A5 – disability certificate, stating that he suffered permanent disability of 20%. The Tribunal did not believe the disability, and held that the claimant would have incurred altogether Rs.5,000/- towards medical expenses. An amount of Rs.2,400/- was awarded towards loss of earnings, Rs.2,000/- towards extra nourishment, and Rs.600/- towards transportation charges. As the claimant received fracture of medial malleolus of right ankle, the Tribunal awarded Rs.20,000/- towards compensation. Thus, an amount of Rs.25,000/- was awarded by award dated 28.06.2005. Seeking enhancement of the said amount, the present appeal is filed.

There is no dispute that the claimant was in hospital for a period of nearly fifteen days. He suffered a fracture of right ankle, which was grievous in nature. Rs.20,000/- was awarded by the Tribunal for the fracture and it does not call any interference. Though the claimant filed medical bills for an amount of Rs.30,000/-, no amount was awarded. Hence, an amount of Rs.5,000/- is awarded. The loss of earnings during the period of hospitalization does not call for any interference. But, the attendant charges and extra nourishment should be enhanced from Rs.2,000/- to Rs.5,000/-. Similarly, the transportation charges should be enhanced from Rs.600/- to Rs.1,000/-. The claimant must have suffered some pain and suffering for which no amount was awarded. Accordingly, an amount of Rs.5,000/- is awarded towards pain and suffering. Thus, the enhanced compensation is as follows:

Heads Award of Tribunal Enhancement

Rs. Rs.

Injuries 20,000.00 20,000.00

Medical expenses -	5,000.00	
Loss of earnings	2,400.00	2,400.00
Extra nourishment and	2,000.00	5,000.00
Attendant charges		
Transportation charges	600.00	1,000.00
Pain and suffering -	5,000.00	
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Total	25,000.00	38,400.00

Accordingly, the amount of Rs.25,000/- awarded by the Tribunal is enhanced to Rs.38,400/-.

The appeal is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

08.12.2015

vs

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