

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.1805 of 2005

Between:

Gadde Ramaiah @ China Ramaiah.

....Appellant

and

Mudigonda Satyavathi and another.

....Respondents

JUDGMENT PRONOUNCED ON : 25.11.2015

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.1805 of 2005

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JUDGMENT:

This appeal is preferred by the claimant in O.P.No.45 of 2004 on the file of the Motor Accident Claims Tribunal – cum – II Additional District Judge, Nalgonda at Suryapet.

The said petition was filed with an allegation that on 19.04.2001 when the claimant went to Suryapet on his personal work and after attending the work he boarded the bus at Suryapet and alighted the bus at Mamillagudem at about 10.15 pm in order to go to his village, Kothagudem. When he was proceeding on the road by walk one lorry bearing No.AIK 3429 came from Khammam side in a rash and negligent manner and hit the claimant. In the said accident, the claimant sustained injuries and he was immediately shifted to Government Hospital, Suryapet, and from there to Yashoda Super Specialty Hospital, Malakpet, Hyderabad. He claimed an amount of Rs.1,50,000/- and the Tribunal awarded an amount of Rs.65,000/- by its award dated 28.12.2004. On the basis of evidence adduced before the Tribunal, the Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of lorry bearing No.AIK 3429.

Regarding the quantum of compensation, the claimant was examined as P.W.1 and the doctor, who treated him, was examined as P.W.2. On the basis of the evidence, the Tribunal awarded an amount of Rs.5,000/- towards each injury and for three grievous injuries, it awarded an amount of Rs.15,000/-. An amount of Rs.41,000/- was awarded under the head medical expenses. In view of the claim made by the claimant that he was on bed for six months, taking

monthly income of Rs.1,500/-, an amount of Rs.9,000/- was awarded under the head loss of income. Thus, in all, an amount of Rs.65,000/- was awarded by the Tribunal.

The claimant did not file any documents from the Government Hospital, Suryapet, where he was alleged to have been admitted immediately after the accident. However, the Radiologist, who issued the report in the Yashoda Hospital, where he was treated, opined that there was bilateral fracture ribs with hemothorax. It was also observed as follows:

“THERE ARE FRACTURE 3, 4, 7, 8 RIBS ON
RIGHT SIDE WITH HEMOTHORAX.

THERE IS FRACTURE LATERAL THIRD OF RIGHT
CLAVICLE.

THERE ARE FRACTURE 6, 7, 9 RIBS ON LEFT SIDE
WITH MINIMAL LEFT HEMOTHORAX.”

In view of the nature of the injuries sustained by the claimant, the Tribunal ought to have awarded at least an amount of Rs.25,000/- towards pain and suffering. Though there was no evidence to show that the claimant was bedridden for a period of six months, the Tribunal awarded an amount of Rs.9,000/- towards notional income that was lost during the period of bed rest. The claimant appears to have incurred an amount of Rs.2,300/- towards ambulance charges on 21.04.2001 and another amount of Rs.2,300/- on 26.04.2001. But, the said amount appears to have been included in the total medical bill amount. In view of the same, the amount awarded towards pain and suffering is enhanced from Rs.15,000/- to Rs.25,000/-, and in respect of the other heads, the amount awarded is confirmed.

Thus, the appeal is partly allowed by enhancing the compensation from Rs.65,000/- awarded by the Tribunal by its order dated 28.12.2004 to

Rs.75,000/- along with interest at 9% per annum on the enhanced amount from the date of the petition till the date of realization. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

25.11.2015

vs

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