

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.2705 of 2015

Between:

T.Muthenna

....Appellant

and

T.Venkat Narsaiah 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.2705 of 2015

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JUDGMENT:

This appeal is preferred by the claimant seeking enhancement of compensation awarded in O.P.No.981 of 1997 by the Motor Accident Claims Tribunal (Additional District Judge), Nizamabad, by award dated 24.08.2001.

The claimant filed the claim petition claiming a compensation of Rs.2,00,000/- on account of the injuries and fractures sustained by him in a motor accident that occurred on 21.11.1997. On that day when he was standing in front of the bus stand at Chikli Village on the side of the road, at about 2 pm a scooter bearing No.AP 25 D 9187 came from Nandipet side with high speed in a rash and negligent manner and hit the claimant, as a result of which he fell down and the front wheel of the scooter ran over his right leg, due to which he sustained fracture to his right leg, right foot, right leg hip bone and also received injuries on head and on other parts of his body. Immediately he was shifted to Head Quarters Hospital, Nizamabad, where he was treated by the duty Medical Officer and he spent Rs.80,000/- towards medicines and for extra nourishment. The claimant was stated to be an agriculturist and goldsmith earning Rs.9,000/- per month.

The Tribunal framed the following issues:

- “1. Whether the accident was due to rash and negligent driving of the scooter bearing No.AP 25 D 9187?
2. Whether the petitioner is entitled for compensation. If so to what amount and against which of the respondents?

3. To what relief?"

The claimant examined P.Ws.1 and 2 and marked Exs.A1 to A6. Exs.C1 to C4 were marked through Commissioner. On behalf of the respondents, no oral or documentary evidence was adduced.

With regard to the first issue the Tribunal held that the accident occurred due to rash and negligent driving of the scooter bearing No.AP 25 D 9187 by its driver.

With regard to the quantum of compensation, the Tribunal, after examining the evidence, held that the claimant sustained fracture to his right hip joint, and therefore, taking into consideration the nature of fracture sustained by the claimant and also the percentage of permanent partial disability sustained by him, an amount of Rs.45,000/- was awarded as compensation to the claimant. An amount of Rs.8,000/- was awarded for medicines and extra nourishment and Rs.7,000/- was awarded for pain and suffering. In all, an amount of Rs.60,000/- was awarded to the claimant.

The evidence of P.W.2 cannot be believed as he was not the doctor who treated the petitioner. He examined the claimant on 10.12.1999, two years after the accident and opined that the claimant suffered 25% permanent partial disability. The claimant was treated as in patient in Government Hospital, Nizamabad, for a period of 10 days from 22.11.1997 to 02.12.1997.

I have carefully perused the award passed by the Tribunal and keeping in view the nature of injuries and the date of 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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