

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2068 of 2005

JUDGMENT:

The petitioner in O.P.No.207 of 2001 on the file of the Motor Accidents Claims Tribunal-cum-Principal District Judge, Ranga Reddy District at L.B.Nagar (for short, Tribunal) is the appellant herein.

2. The petitioner filed the said petition claiming compensation of Rs.1,25,000/- for the injuries sustained by him in a road accident that occurred on 08.11.1999 at about 9.00 am., when the petitioner and his uncle were going on TVS Moped bearing No.AHU 3837 from Barkatpura to YMCA, at Reddy Women's College, a bus bearing No.AP28T 167 came in the same direction and dashed the moped, as a result of which, his right leg was fractured and sustained grievous injuries.

3. The Tribunal framed the following issues.

- “1. Whether the petitioner is entitled for any compensation and interest, if any, and, if so to what amount and at what rate and for what period?
2. Whether the R1 and R2 are liable to pay any part of monies covered by issue No.1 supra?
3. To what relief?”

4. The petitioner got himself examined as P.W.1 and examined one doctor as P.W.2 and marked Exs.A.1 to A.7 on his behalf. Ex.B.1 policy was marked on behalf of the insurance company.

5. The petitioner in the said OP stated that he received fractures to his right leg, an operation was performed by inserting steel rod and he spent nearly Rs.40,000/- for his treatment. P.W.2, who is a doctor, examined him on 15.12.2004 and issued Ex.A.6 disability certificate showing 40% disability. In the cross-examination, P.W.2 admitted that, though he is a member of Medical Board, Ex.A.6 was not issued by the Medical Board. The evidence on record showed that the petitioner was

admitted in the Osmania General Hospital on 08.11.1999 and discharged on 19.11.1999 after surgery.

6. On the basis of the oral and documentary evidence, the Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the bus bearing No.AP28T 167. However, the Tribunal, disbelieved Ex.A.6 doctor certificate and also noticed that the fracture was re-united. With regard to the compensation, an amount of Rs.20,000/- towards injury, Rs.10,000/- towards pain and suffering and an amount of Rs.5,000/- towards extra nourishment charges was awarded. Though medical bills were filed for an amount of Rs.27,192/-, they were excluded as they were for physiotherapy and the fracture was healed. However, the Tribunal awarded an amount of Rs.15,552/- towards medical expenses. In all, an amount of Rs.50,552/- was awarded by the Tribunal, by its award dated 23.04.2005. Seeking enhancement of the said amount, the present appeal is filed.

7. In view of the nature of the injury, being a fracture and surgery performed at Osmania General Hospital, which resulted in the healing of the fracture, the award passed by the Tribunal is just and does not warrant any interference.

8. Accordingly, the appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 10.12.2015
TJMR