

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

M.A.C.M.A No. 2152 of 2005

ORDER:

The injured, who is the claimant in O.P.No.297 of 2003 on the file of the MVACT-cum-V Additional District Judge, (FTC), Ranga Reddy District, at LB Nagar, is the appellant herein.

2. The claimant filed the said OP claiming a compensation of Rs.2,00,000/- for the injuries sustained in a motor accident that took place on 27.04.2003. It was alleged that while he was going on his Hero Honda Motorcycle bearing No.AP 22D 4753 from Gulmohar Park, Lingampally towards Hyderabad and when he reached near Hanuman Temple, Gopinagar, at about 11.30 PM, a lorry bearing No.AP 9T 9961 coming in opposite direction at high speed, driven by its driver in rash and negligent manner, came to the extreme right side and hit his motorcycle due to which he fell down and sustained grievous injuries and the motorcycle got damaged completely. He sustained fracture injuries to nose, four fingers of left hand, below knee of right leg, injury to head and multiple injuries all over the body, and he was immediately shifted to Remedy Hospital, Kukatpalli, where he was treated as inpatient from 27.04.2003 to 30.04.2003, and later he took treatment in various other private hospitals.

3. On the basis of the pleadings, the Tribunal framed the following issues:

- "1. Whether the accident occurred due to the rash and negligent driving of the vehicle bearing No. AP 9T-9961?**
- 2. Whether the accident vehicle was insured with**

R2 and there is any violation of policy conditions?

3. **Whether the petitioner is entitled for any compensation, if so, from whom and to what extent?"**

4. The petitioner got examined himself as PW1 and Exs.A1 to A7 were marked on his behalf. Insurance policy is marked as Ex.B1.

5. The Tribunal, on the basis of the oral and documentary evidence, held that the accident occurred due to the rash and negligent driving of the driver of the lorry bearing No. AP 9T 9961.

6. Ex.A2-Case sheet of the Remedy Multispeciality Hospital, shows the following injuries:

- (i) **Blunt injury to forehead, occipital area of scalp, within six hours, blunt nose, chest, mouth, right hypochondriac region dorsum of left hand and wrist joint.**
- (ii) **Deep laceration (a) Musocal surface of lower lip 2 ½ x ¼ cm 0.5 cms. vertical (b) just below right knee joint with contamination – Horizontal 6 cm x 2 cm x 1 cm.**
- (iii) **Tooth fall (lower lip), right lower incisor, canine.**
- (iv) **Multiple abrasions 1 cm x 1 cm.**

7. Ex.A4 comprises of ten medical bills by Remedy Pharmacy, receipts by Remedy Hospital, one bill by another medical stores for Rs.12,983/- rounded off to Rs.13,000/-. Ex.A5 comprises of seven prescriptions, 10 X-Ray films. The claimant was working as counter salesman in Masquati Dairy Products. Ex.A6 is his salary certificate showing his total earnings as Rs.4,150/-.

8. The Tribunal awarded an amount of Rs.2,500/- towards loss of earnings for one month; Rs.45,000/- towards fracture and

simple injuries, Rs.2,500/- for extra nourishment and transport, Rs.13,000/- for medical bills and treatment. Thus, in all, the Tribunal awarded a total amount of Rs.63,000/- with 9% interest per annum, from the date of petition till the date of realization.

9. This is a case of injuries and there is no disability. The Tribunal has awarded amounts including extra nourishment, transport, medical bills and treatment. Though the learned counsel for the appellant vehemently argued seeking enhancement of compensation, the evidence on record justifies the above amounts awarded by the Tribunal.

10. In the circumstances, this Court sees no reason to enhance the amount of compensation awarded by the Tribunal.

11. The appeal is, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

A. RAMALINGESWARA RAO, J

18th January, 2016

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