

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A. No. 681 of 2005

DATED 20TH JANUARY, 2016

BETWEEN

P. Jangaiah

Appellant

And

A. Mohan Reddy and anr

...Respondents

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No. 681 of 2005

JUDGMENT:

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This appeal is preferred by the petitioner seeking enhancement of compensation granted in the Award dated 10.11.2004 passed in OP.No.963 of 2000 by the learned Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FAC), Ranga Reddy District at LB Nagar. The said OP was filed by the petitioner on account of the injuries suffered by him in a motor vehicle accident that occurred on 22.2.2000 while he was travelling in a mini auto bearing No. AP 28 U 1475 which was dashed by one lorry bearing No. MY K 7224 coming in opposite direction with high speed and in rash and negligent manner. It was alleged in the claim petition that he was working as a labourer and he sustained fracture of bone near right rib besides serious head injury.

The Tribunal after framing appropriate issues held that the accident occurred due to the rash and negligent driving of the lorry bearing No. MYK 7224 by its driver.

The Tribunal awarded a sum of Rs.1006/- based on the medical bills produced under Ex.A.10. Based on the evidence produced under Ex.A.5 discharge certificate issued by the Osmania General Hospital and Exs. A.6, A.7, A.8 , and A.11, medical prescription and X-ray, the Tribunal awarded Rs.10,000 towards pain and suffering for the fractures sustained by the petitioner to his ribs. However, when this court verified Ex.A.5 discharge certificate, it relates to discharge of one Jangaiaha, who was admitted in the hospital on 21.8.2000 for coronary problem and discharged on 31.8.2000. It clearly shows that the Tribunal without proper application of mind awarded the compensation. However, as no appeal was preferred by the Insurance Company, the Award does not warrant interference by this court in this appeal.

The MACMA is dismissed. Miscellaneous petitions pending consideration if any in the appeal shall stand closed in consequence. No order as to costs.

JUSTICE A.RAMALINGESWARA RAO

DATED 20TH JANUARY, 2016.

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