

HON'BLE SRI JUSTICE G. SHYAM PRASAD

M.A.C.M.A. No. 1228 of 2012

JUDGMENT:

This appeal is arising out of the order dated 03.01.2011 in O.P.No.25 of 2009 on the file of the Motor Vehicle Accident Claims Tribunal-cum-IX Additional District and Sessions Judge, Kamareddy.

2. The appellant is the petitioner who filed a petition under Section 166 of Motor Vehicles Act claiming compensation of Rs.5 lakhs and the Tribunal on consideration of the evidence, awarded compensation of Rs.1,54,000/- under various heads like loss of earning Rs.18,000/-, pain and suffering Rs.60,000/-, transportation charges Rs.5,000/-, extra nourishment Rs.30,000/-, damages to clothes Rs.1,000/-, shock and agony Rs.40,000/-.

3. The grievance of the appellant is that the Tribunal has not awarded any amount under the head of medical expenditure and bills. It is submitted that though the petitioner has claimed Rs.3 lakhs under the head of medical bills, the tribunal has not awarded any amount, and therefore, requested for consideration of the medical bills. The petitioner placed reliance on the documents Exs:A-10 and A-12 to a tune of Rs.3 lakhs.

4. Inter alia, the learned counsel for the respondents submitted that the petitioner has not adduced any evidence to prove the medical bills of Rs.3 lakhs and therefore, the Tribunal has rightly rejected the claim of the petitioner.

5. It is pertinent to note that the appellant has received injuries in the motor vehicle accident and the Tribunal on consideration of the evidence has awarded compensation under various heads stated above. It is obvious that the Tribunal has not awarded any amount towards medical treatment and expenditure. No doubt, the petitioner did not examine the medical officer to prove the medical bills and the treatment undergone by the petitioner. When the Tribunal has considered that the petitioner has received injuries and he suffered pain due to the injuries, he suffered loss of earnings and he requires extra nourishment and he suffered shock and agony, it should have been granted some amount towards medical expenditure when he claimed Rs.3 lakhs. The evidence on record shows that the petitioner had undergone treatment as inpatient for one month in a private hospital. Unfortunately, he could not call the medical officer to say about the treatment undergone by him. Ex.A-9 is the discharge summary issued by Shivarama Hospitals signed by Dr. Chandrasekhar on behalf of Shivarama Hospitals. Ex.A-10 is the inpatient bill-receipt issued by Shivarama Hospitals. Ex.A-10 shows the date of admission as 20.11.2007 and date of discharge as 19.12.2007. An amount of Rs.2,24,700/- was shown as paid. Ex.A-11 is the certificate issued by Dr.B.Chandrasekhar Reddy of Sri Sai Krishna Hospital. The medical officer has issued a certificate under Ex.A-11 which clearly shows that the injured had undergone an operation on 21.11.2008 and he was discharged on 01.12.2008 for

the injuries suffered by him in the accident. Ex.A-12 is the another medical bill issued by the same doctor.

6. Learned counsel for the respondents submits that the certificates do not contain the name of the patient and the Doctor in the columns mentioned therein in Exs:A-11 and A-12. But, it is obvious that the name of the patient and age is given and the signature of the doctor is there under the seal of Orthopaedic Surgeon of Sri Sai Krishna Hospital. No doubt, the petitioner did not examine any witness to prove these documents. But, however, when the respondents claim that these are not the genuine certificates, they should have taken some steps that they are false certificates produced by the petitioner and in the absence of any evidence that they are false documents, it has to be considered that the petitioner has taken some treatment in those hospitals.

7. Since the medical officers are not examined, at least some amount towards medical expenditure must have been borne by the petitioner for undergoing operation and the treatment in the hospitals. When the Tribunal has believed that he had suffered injuries and pain and underwent treatment in the hospital, there is no reason why they have rejected to grant any amount under the head of medical expenditure and treatment.

8. Under these circumstances, it is just and reasonable to award an amount of Rs.1,00,000/- towards medical bills and treatment undergone by the petitioner and for undergoing operation in the

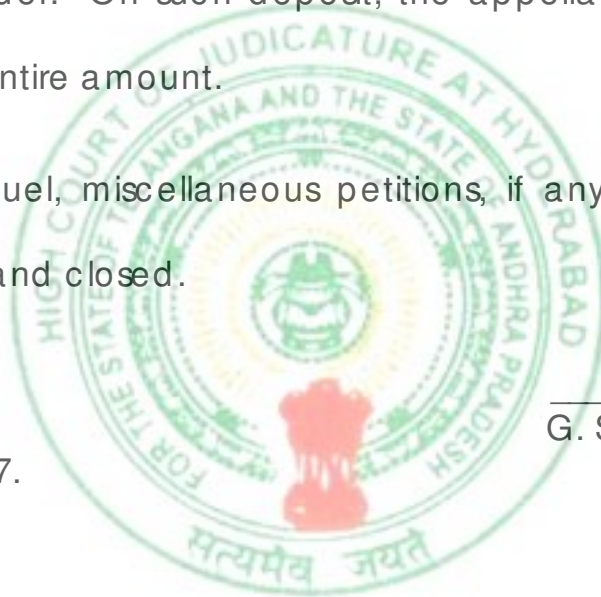
hospital for a period of one month as inpatient including attendant charges.

9. In the result, the appeal is partly allowed. The compensation awarded by the Tribunal is enhanced from Rs.1,54,000/- to Rs.2,54,000/- (Rupees two lakhs fifty four thousands only) with interest at 7.5% per annum from the date of the petition till realization with proportionate costs. The respondents are directed to deposit the balance amount before the Tribunal, within two months from the date of this order. On such deposit, the appellant is permitted to withdraw the entire amount.

. As a sequel, miscellaneous petitions, if any, pending in this appeal shall stand closed.

Date:01.03.2017.
ccm

G. SHYAM PRASAD, J



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