

SMT JUSTICE T.RAJANI

MACMA.No.226 OF 2012

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the X Additional Chief Judge in City Civil Court, Hyderabad in O.P.No.772 of 2010, dated 26.11.2011.

2. The facts of the case briefly are that on 31.01.2010 at about 05.30 P.M., near Mahendra Hills Check Post, East Marredpally, Hyderabad, the petitioner was riding LML Vespa Scooter, along with his wife as pillion rider and was proceeding towards Teacher's Colony, East Marredpally, by keeping left on the road and when they reached near Mahendra Hills Check Post, an APSRTC bus, bearing No.AP 10Z 9972, came in a rash and negligent manner and dashed against the scooter of the petitioner. As a result, the petitioner and his wife sustained injuries. The petitioner sustained Temporoparietal fracture of right frontal contusion, fracture of heard and swelling of right eye. The lower court, after considering the merits of the case, granted Rs.56,231/- as compensation. The grounds on which the appeal is preferred are that the amount granted by the court below is not adequate.

3. Heard both the counsel.

4. The lower court awarded Rs.10,000/- towards pain and suffering. But the evidence of P.W.2, which is that of the doctor, shows that the petitioner sustained severe head injury with skull fracture and brain injury, soft tissue injuries on the face. The doctor also testified that the injury is a grievous injury. Hence, this Court opines that there can be an enhancement of another Rs.10,000/- towards pain and suffering. The court also awarded only Rs.1,000/- towards transportation expenditure. The medical record shows that the petitioner was in hospital for two days. Hence, considering the above, this Court is inclined to grant another Rs.4,000/- towards transportation expenditure. The medical bills were taken into consideration in *toto* and the amount under the medical bills was awarded, hence, there need not be any further enhancement. However, under the head loss of future amenities, Rs.2,000/- was granted by the lower court. But the evidence of P.W.2 shows that the petitioner is likely to get head ache and giddiness in future. Hence, considering the same another Rs.8,000/- was awarded towards loss of future amenities. Hence, in all an amount of Rs.22000/- {Rs.10,000/- (pain and suffering) + Rs.4,000/- (transportation expenditure) + Rs.8,000/- (future amenities)} is awarded in addition to the award of the lower court. Thus, the claimants are entitled to enhanced compensation of Rs.78,231/- { i.e., Rs.56,231/- (lower court awarded amount) + Rs.22,000/- (enhanced amount). This award shall relate

back to the date of decree and the enhanced compensation awarded shall carry interest at the rate specified and from the time indicated in the award by the Court below.

5. Accordingly and with the above observation, M.A.C.M.A.No.226 of 2012 is allowed with proportionate costs. Miscellaneous petitions pending consideration, if any, in this appeal shall stand closed in consequence.

23.04.2018
SS

T.RAJANI, J

