

THE HON'BLE SMT. JUSTICE T.RAJANI

MACMA. No.42 of 2012

JUDGMENT:

This appeal is preferred by the appellants, APSRTC, who are respondents before the Court below, assailing the judgment dated 06.07.2011 passed in O.P. No.2520 of 2008 by the XXII Additional Chief Judge-cum-Motor Accidents Claims Tribunal, City Criminal Court at Hyderabad, on the grounds that the Court below erred in coming to the conclusion that the accident occurred due to negligence on the part of the driver of the bus; in fact, the accident occurred due to negligence on the part of the injured herself as she failed to observe vehicular movement while crossing the road; the Court below also erred in awarding sum of Rs.50,000/- towards pain and suffering, Rs.1,50,000/- for injuries, Rs.1,99,000/- towards medical expenses and Rs.20,000/- for loss of income, which are excessive and the same are liable to be modified.

Heard the learned counsel on either side and perused the material on record.

The learned standing counsel for the appellants restricts his arguments only to the amount of Rs.1,50,000/-, which is awarded by the Court below under para 10 sub para (b) under the head injuries depending upon the disability partial full temporary or permanent. He contends that, the said amount was awarded without any reasons whatsoever.

It is to be observed that the Court below awarded Rs.50,000/- towards four fractures and other injuries sustained by the claimant, under the head shock pain suffering and loss of amenities of life, at para 10 sub para (a). While discussing under the head of injuries depending upon the disability partial full temporary or permanent, at para 10 sub

para (b), it observed that P.W.2 did not speak that the claimant became disabled and held that hence, there is no evidence on record to believe that the claimant became disabled. Saying so, the Court below again considering the four fractures and other injuries sustained by the claimant and also taking into consideration the period of stay in the Apollo Hospital as in-patient, awarded Rs.1,50,000/-. But the same does not seem to be sustainable, as, for the injuries it already awarded Rs.50,000/-. It is not clear from the award as to under which head the Court below awarded Rs.1,50,000/-. When amounts towards medical expenditure, transportation and extra nourishment are awarded separately, what would be the additional expenditure incurred by the claimant during the stay in the hospital is not understandable from the award. Learned counsel for the claimant is also not able to explain about the said award. Hence, the same cannot be sustained. Hence, to the extent indicated above, the judgment of the Court below is modified and out of Rs.4,19,579/- that was awarded by the Court below, Rs.1,50,000/- stands subtracted, thereby, Rs.2,69,579/- stands to be the award.

In the result, the appeal is partly allowed to the extent indicated hereinabove. There shall be no order as to costs.

JUSTICE T. RAJANI

Date: 13.07.2018
LSK