

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1757 OF 2010

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order dated 18.10.2004 passed in O.P.No.2521 of 2002 by the XIII Additional Chief Judge (FTC), City Civil Court, Hyderabad (for short, the Court below).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Court below in the original petition.

3. The brief facts of the case are that on 11.01.2002 at about 7.30 hours, the petitioner as a rider and his friend by name Mr.P.Anantha Krishna as pillion rider were proceeding towards Himayathnagar very slowly. While reaching near Moula-Ali cross roads, at the same time, one car bearing No.AP-31-C-5001 came in opposite direction in rash and negligent manner with high speed and dashed against the petitioner's motor cycle. Due to the said impact, the petitioner and his friend fell down on the road and sustained grievous fracture and multiple injuries all over the body and immediately the petitioner was shifted to New City Hospital, Secunderabad, for treatment. On the next day, the petitioner was shifted to Kamineni Hospital for better treatment. The accident occurred only due to the rash and negligent manner with high speed driving of driver of car bearing No.AP-31-C-5001. Due to the said accident, the petitioner sustained fracture to shaft femur and fracture to both bones

right leg and multiple injuries all over the body. The petitioner was in unconscious state for some days. The petitioner was inpatient for more than 15 days in Kamineni Hospital and steel rods were implanted into his right leg. Still further operation is required and still he is undergoing treatment. The petitioner was aged about 25 years as on the date of the accident and holding degree in B.E. Computer Sciences. Before the said accident, the petitioner was hale and healthy and he was working in ECIL as Software Engineer and he was earning Rs.15,552/- per month. It is said that the petitioner used to contribute his total earnings for the maintenance of his family. The petitioner sustained permanent disability and he is unable to do heavy works and lost all his income benefits and comforts. Hence, the petitioner filed the claim petition claiming a compensation of Rs.5,00,000/-, payable by both the respondents, being the owner and insurer of the crime vehicle.

4. Before the Court below, respondents 1 & 2 filed separate counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. After considering the evidence produced by the parties, the Court below granted total compensation of Rs.2,16,354/-, with interest @ 6% per annum from the date of petition till realization, i.e., Rs.2,000/- towards transportation charges, Rs.1,500/- towards damage of clothes, Rs.10,000/- towards pain & suffering, Rs.10,000/- towards extra nourishment,

Rs.10,000/- towards attendant expenses, Rs.85,015/- towards loss of earnings, Rs.77,839/- towards medical expenses and Rs.20,000/- towards uneasiness, inconvenience & temporary disability. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

6. Heard Sri Mamidi Srinivas, learned counsel appearing for the appellant and Sri Narsi Reddy Teegala, learned standing counsel appearing for the 2nd respondent/insurance company. Perused the material available on record.

7. A perusal of the order reveals that the Court below passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.5,00,000/-, the Court below awarded an amount of Rs.2,16,354/- with proportionate costs and interest @ 6% per annum. Therefore, I see no reason to interfere with the order of the Court below and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Court below in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 18th October, 2019
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