

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1800 OF 2012

JUDGMENT:

This appeal is preferred by the claimant/injured, aggrieved by the order, dated 03.10.2011, passed by the XI Additional Chief Judge, City Civil Court, Hyderabad (Fast Track Court) (for short 'the Tribunal), in O.P.No.1578 of 2009, whereby the Tribunal awarded compensation of Rs.37,000/- on account of the injuries sustained by the claimant in a motor vehicle accident that occurred on 19.12.2008.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. Being dissatisfied with the quantum of Award passed by the Tribunal, the claimant filed this appeal seeking enhancement of compensation.

4. The brief facts of the case are hereunder:

On 19.12.2008 at 7.000 p.m., while the petitioner was going on his motor cycle from Jurmed to Mal, near Mehdipatnam one auto AP-29-W-0637 came in opposite direction in rash and negligent manner and dashed his motor cycle. In the accident, the petitioner sustained injuries on head and other parts of the body and he was shifted to Ankita Hospital, where he was treated conservatively for 6 months by

spending Rs.1,25,000/- and that he was working as a car driver and earning an amount of Rs.6,000/- per month.

5. Heard both sides.

6. On account of the injuries sustained by the petitioner, the Tribunal awarded as sum of Rs.12,000/- towards loss of income, Rs.2,000/- towards transportation, Rs.3,000/- towards extra nourishment and Rs.20,000/- towards pain and suffering, totaling to Rs.37,000/-. The Tribunal has failed to consider and appreciate the evidence of PW.2-Doctor and Exs.A.5, A.7 and A.10. Ex.A.5 is the discharge bill of Rs.1,40,900/- of Ankita Hospital, where the petitioner was treated. Ex.A.7 is the diagnostic bills of Kamineni Hospital for Rs.14,053/- and Ex.A.10 is the bunch of medical bills amounting to Rs.58,700.40 ps. In view of the evidence of PW.2, this Court feels it is just and necessary that the finding of the Tribunal at para 12 reads that *'But treatment reportedly taken was in a 'Corporate' hospital Kamineni initially. Total treatment claimed is as per written arguments, worth Rs.2,50,000/-. So incurring by such poor family that much of amount is doubtful'* and in para 15 reads that *'I therefore doubt treatment in a private corporate hospitals by the petitioner. The circumstances and documents show that treatment was taken under government Aarogya Sri free cost so no amount is granted towards medicines.'* The Tribunal without considering the evidence of PW.2 awarded the meager amount to the petitioner is

unjust and more so the petitioner was taken treatment in PW.2's hospital and in Kamineni Hospital only diagnosis was taken place.

7. In view of the above facts, this Court is of the opinion that it would be just and proper to grant an amount of Rs.1,40,900/-, for treatment taken place in Ankita Hospital and Rs.14,053/- where the petitioner was diagnosed and Rs.58,700/- for the medical bills incurred by him apart from the compensation of Rs.37,000/- awarded by the Tribunal. In all, the petitioner is entitled to an amount of Rs.2,50,653/-.

8. Accordingly, the appeal is allowed in part enhancing the compensation awarded to the petitioner from Rs.37,000/- to Rs.2,50,653/- with interest @ 7.5% per annum from the date of petition till the date of realisation.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 19.07.2019

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