

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.2879 OF 2004

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 10.12.2003 passed in O.P.No.581 of 2000 by the II Additional Chief Judge, City Civil Court, Hyderabad (for short, the Court below).

2. The brief facts of the case are that on 04.07.1998 the claimant-Koka Sharath Kumar along with Mr.Basarath Ali was proceeding to Ramoji Film City in Anajpur Village, Hayathnagar Mandal from Hyderabad in an Ambassador car bearing No.AAX 1063 belonging to Ramoji Film City, driven by its driver B.Shiva Kumar and when the car reached near Chandrapuri Colony on the National Highway, the APSRTC bus bearing No.AP 9Z 7931 came from the opposite direction in a very high speed in a rash and negligent manner, while overtaking a lorry came to the extreme right side, i.e., almost on the footpath on its right side and hit the Ambassador car in which the claimant was traveling and as a result of the accident, the driver of the car died on the spot and the claimant and Mr.Basarath Ali suffered grievous injuries and became unconscious. They were shifted to Kamineni Hospital, L.B.Nagar, and that the claimant suffered unconsciousness, Amnesia, shoulder pain and neck pain and that the petitioner was advised complete bed rest for three months and that on account of the injuries sustained by him, his desk work and site work is affected. Hence, the appellant filed

the present claim petition claiming a compensation of Rs.6,21,770/- from the respondent corporation.

3. Before the Court below, the respondent corporation filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the evidence produced by the parties, the Court below granted a total sum of Rs.5,000/- i.e., Rs.3,000/- towards pain and suffering and Rs.2,000/- towards medical expenses, with interest @ 9% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard Sri B. Nalin Kumar, learned counsel appearing for the appellant and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the respondent Corporation.

6. Insofar as awarding of quantum of compensation is concerned, though the Court below has examined P.Ws.1 & 2 and marked Exs.A-1 to A-12, the Court below has awarded a meager amount of Rs.5,000/- towards compensation i.e., in all aspects, which includes pain and suffering and medical expenses.

7. It is seen from the record that the claimant was hospitalized for a period of three (03) days i.e., from 04.07.1998 to 06.07.1998, and later he was discharged and the bill raised by

Kamineni Hospital is Rs.8,300/- and he also got done one C.T. scan and three MRIs with Vijaya Diagnostic Centre during the above period and the bill is Rs.17,500/-. The same cannot be ignored. Further P.W.2-Dr.RTS Naik has advised the claimant to take three (03) months bed rest. Therefore, this Court is inclined to award a notional amount of Rs.10,000/- per month under the head of loss of income. Hence, the total amount awarded under the head of loss of income for a period of three (03) months comes to Rs.30,000/- (Rs.10,000/- x 3 months). Therefore, the total compensation under various heads is shown as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain and suffering	Rs.3,000/-	Rs.3,000/-
02.	Medical expenses	Rs.2,000/-	Rs.2,000/-
03.	Loss of income	-	Rs.30,000/-
TOTAL		Rs.5,000/-	Rs.35,000/-

8. In the result, the Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.5,000/- to Rs.35,000/-. The enhanced amount shall carry interest @ 7.5% per annum. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. No costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 28th August, 2019
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