

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2592 OF 2017

JUDGMENT:

This appeal is directed against the order dated 14.12.2016 passed by the Motor Accidents Claims Tribunal-cum-I-Additional District Judge, Nalgonda (for short 'the Tribunal'), in O.P.No.1026 of 2013, whereby the Tribunal awarded compensation of Rs.4,34,000/- on account of the injuries caused in a motor vehicle accident that occurred on 02.11.2013 at about 05.00 p.m., when he was going on a T.V.S. moped bearing No. AP 24 AB 3735 from Ambativagu Village to Kattangur Village and on the way on National High Way No.65, while he was crossing X road at Kattangur Village, one Innova bearing No. AP 07 BK 0459 coming from Vijayawada towards Hyderabad, being driven by its driver in a rash and negligent manner at high speed and dashed his moped, for which the petitioner sustained severe injuries and shifted to Kamineni Institute of Medical Sciences, Narketpally, against the claim of Rs.13,00,000/-.

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

3. Being dissatisfied with the order passed by the Tribunal, the injured filed this appeal seeking enhancement of compensation contending that the compensation granted by the tribunal is very meager and that the tribunal erred in not accepting the total amount of medical bills and treatment/hospitalization expenses.

4. Learned counsel for the appellant only contended that the appellant incurred Rs.6,39,356/- towards treatment and medical bills, the tribunal restricted the same to half of the amount i.e. Rs.3,50,000/-, which is not reasonable as the appellant is suffering with diabetic and kidney problem and the appellant spent the said amounts towards treatment and medicines. To prove the same, appellant examined PW.2-Dr Ravi Suman Reddy, Neuro Surgeon, Yashoda Hospital, Hyderabad and PW.3 – Dr A.Rajkaran Reddy, General Surgeon, Shrestha Hospital, Hyderabad, who treated the appellant and filed Ex.A.2 – injury certificate, Ex.A.4 – original discharge summary along with scanning reports issued by Yashoda Hospital, Ex.A.5 – original final bill for Rs.3,35,944/- issued by the Yashoda Hospital, Hyderabad, Ex.A.6 – original pharmacy bill for Rs.96,981/- issued by Yashoda Hospital, Hyderabad, Ex.A.7 – Bunch of medical bills for Rs.90,445/-, Ex.A.9 – original bills for Rs.1,15,986/- issued by Orange Hospital, Ex.A.10, medical bills for Rs.78,859/- supported by Ex.A.11 and Ex.A.12 – prescriptions etc.

5. Admittedly, there is no dispute with regard to the manner of accident, involvement of the vehicle and policy issued by the 2nd respondent. The tribunal erred in looking into the treatment taken by the injured and medicines purchased by him. As per the evidence available on record i.e. PWs.2 and 3, who treated the injured and Exs.A2, A.4 to A.12, shows that the injured was admitted in hospitals and spent more amounts, as such the injured cannot be deprived of his treatment and medical bills.

6. Therefore, the finding of the tribunal under the head of treatment, medicines and investigation charges is not just and reasonable and the same is set aside and enhanced to Rs.6,39,356/-. Accordingly, the claimant is entitled to the total compensation of Rs.7,23,356/- (Rs.6,39,356/- + Rs.15,000/- + Rs.5,000/- + Rs.5,000/- + Rs.9,000/- + Rs.50,000/-), which is rounded to Rs.7,24,000/- (Rupees seven lakhs twenty four thousand only). The award passed by the tribunal in all other aspects holds good. The enhanced compensation amount shall carry interest 7.5% per annum from the date of petition till the date of realization. Respondents 1 and 2 are directed to deposit the compensation amount jointly and severally within three months from the date of this judgment. The injured claimant is entitled to withdraw the compensation amount soon after the deposit is made.

7. In view of the above, the appeal is allowed-in-part. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 26.08.2019
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