THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.691 OF 2011

JUDGMENT:

This appeal is filed by the appellant-2nd respondent/insurance company aggrieved by the Order and Decree dated 25.01.2011 passed in M.V.O.P.No.42 of 2008 by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy (for short, the Tribunal).

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

3. The brief facts of the case are that on 27.08.2007 at about 6.40 p.m., the claimant was going from his house to his Pan shop on Hero Honda Passion motorcycle and when he was in front of MDO Office, Narsapur, an auto bearing No.AP-23-W-2890 came on wrong side in a rash and negligent manner and dashed against his motorcycle. As a result, the petitioner fell down and sustained severe compound fracture to his right thigh and severe head injury. He was shifted to B.B.R. Hospital and from there to Yashoda Hospital. His motorcycle was also completely damaged in the accident. Prior to the accident, the petitioner was running a pan shop and also doing flower business and earning Rs.6,000/- per month. Due to the injuries, the petitioner is not in a position to do any work and lost his income. Hence, the petitioner

filed the claim petition claiming a compensation of Rs.7,00,000/-, payable by both the respondents, being the owner and insurer of the offending auto.

4. Before the Tribunal, 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 oral evidence of P.Ws.1 & 2 and R.Ws.1 & 2 and the documentary evidence of Exs.A-1 to A-8 and Exs.B-1 to B-5, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the offending auto and awarded total compensation of Rs.2,47,196/- and rounded off the same to Rs.2,48,000/- i.e., Rs.20,000/- towards pain and suffering, Rs.1,94,696/- towards medical bills, Rs.5,000/- towards incidental expenses, Rs.7,500/- towards loss of income and Rs.20,000/- towards future surgery expenses, with interest @ 8% per annum from the date of petition till the date of deposit, payable by both the respondents. Aggrieved by the same, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard Sri T.Mahender Rao, learned standing counsel for the appellant/2nd respondent/insurance company and Sri

P.Venkat Reddy, learned counsel for the respondent/claimant.

7. It is evident from the impugned order that the total amount as per the final bill was Rs.1,76,554/- out of which Rs.50,000/- was received from CM relief, which has to be deducted. Therefore, an amount of Rs.1,26,554/- has to be awarded towards medical bills instead of Rs.1,94,696/-. With regard to the interest is concerned, the same is reduced from 8% to 7.5%. Except the above modification, the remaining operative portion of the impugned order is confirmed. Hence, the total compensation under various heads comes as under:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain & suffering	Rs.20,000/-	Rs.20,000/-
02.	Medical bills	Rs.1,94,696/-	Rs.1,26,554/-
03.	Incidental expenses	Rs.5,000/-	Rs.5,000/-
04.	Loss of income	Rs.7,500/-	Rs.7,500/-
05.	Future surgery expenses	Rs.20,000/-	Rs.20,000/-
	TOTAL	**Rs.2,47,196/-**	**Rs.1,79,054/-**

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by reducing the compensation amount awarded by the Tribunal from Rs.2,48,000/- to Rs.1,79,054/- and the interest is reduced from 8% to 7.5%, payable by both the appellant & the 2nd respondent jointly and severally. The appellant & the 2nd respondent are directed to deposit the compensation 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 claimant is permitted to withdraw the entire amount. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 6th January, 2020

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HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD