

THE HON'BLE SRI JUSTICE PULLA KARTHIK

M.A.C.MA. No.830 of 2019

JUDGMENT:

This Motor Accidents Civil Miscellaneous Appeal is filed by the insurance company, aggrieved by the Order and Decree dated 11.12.2018 passed in MVOP No.296 of 2017 on the file of the Motor Accidents Claims Tribunal-cum-Principal District Judge, Sangareddy, (for short "the Tribunal"), wherein the learned Tribunal had awarded a compensation of Rs.4,50,000/- as against the claim of Rs.10,00,000/- on account of the injuries sustained by the respondent/petitioner in a motor vehicle accident that occurred on 12.12.2016.

2. The case of the respondent/petitioner is as follows:

On 12.12.2016 at about 8.30 PM, the respondent/petitioner and his villager Boina Bhumaiah were going over village-tank, the crime vehicle Honda Activa motor cycle bearing No. TS 15 EJ 7364 came from Jogipet side to Tekmal side, driven in a rash and negligent

manner, dashed at the backside of the petitioner due to which the respondent/petitioner sustained severe injuries on head and other parts of the body. Immediately he was shifted to Government hospital, Jogipet, thereafter to Gokul Hospital, Sangareddy and from there to Malla Reddy Narayana Hospital, Suraram, Hyderabad, where he underwent treatment from 12.12.2016 to 23.12.2016.

3. Respondent No.2 and respondent No.3 remained exparte in the lower court.

4. The appellant herein filed its counter in the Tribunal denying the averments of the petition and contending interalia that there was no rash and negligent driving on the part of the driver of the crime vehicle.

5. Basing on the above pleadings the following issues were framed for trial:

1. Whether the injuries sustained by the petitioner in the motor accident due to the rash and negligent driving of the driver of crime vehicle?

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2. Whether the petitioner is entitled for compensation, as prayed for? If so, at what amount and from whom?

3. To what relief?

6. On considering the evidence and material on record, the Tribunal was pleased to allow the petition in part and had awarded compensation of Rs.4,50,000/- with interest at 7.5% per annum from the date of petition till the date of realization as under:

1.	Pain and suffering	Rs.50,000/-
2.	Medical expenses	Rs.1,00,000/-
3.	Cost of anti epileptic drugs	Rs.3,00,000/-
	Total	Rs.4,50,000/-

7. Heard both sides.

8. The appellant contends that the learned Tribunal ought to have seen that the complaint was given after 10 days of the accident and the vehicle was implanted for getting a wrongful gain and it is further contended that the

doctor who treated the petitioner did not give any disability certificate, except deposing that injured has been suffering with fits and neurological problem and the injured has to take treatment for his entire life and that he will be having functional disability and also the physical disability. Except deposing that he suffers with fits, no documentary proof is filed. It is further contended that the learned Tribunal erred in granting an amount of Rs.3,00,000/- for antiepileptic drugs without any proof of documentary or supporting evidence. Further the Tribunal erroneously awarded Rs.1,00,000/- towards medical expenses without supportive documents.

9. The counsel for respondent contended that the learned Tribunal had rightly passed the award after considering the evidence and material on record. It is further contended that there is no error in the order and requested to dismiss the appeal.

10. This court has taken note of submissions made by the respective parties.

11. Based on the oral and documentary evidence, the learned Tribunal came to conclusion that the accident was occurred due to rash and negligent driving of the driver of the crime vehicle causing injuries to the respondent/petitioner. PW2 Neuro Surgeon, Malla reddy Narayana reddy hospital, deposed that the petitioner had sustained 3 grievous injuries and on 13.12.2016 he examined the respondent/petitioner with head injury, blunt injury on right eye, right shoulder and bleeding from right ear. On investigation with CTI and X-rays, he found that the respondent/petitioner sustained left brain contusion injury, fracture of right clavicle, fracture of right upper rib with other regressive injuries and further deposed that after discharge, the respondent/petitioner was under regular follow up treatment with required investigation and medicine and he may get seizures (fits) for which he has to be on anti-epileptic drugs regularly. He further deposed that the respondent/petitioner was advised not to drive vehicle and sit as pillion rider and not

to carry skilled work because of swaying while walking. It is deposed that the petitioner sustained grievous injuries and narrated the injuries sustained by the respondent/petitioner and medical treatment details of hospital.

12. As seen from the record, the Tribunal had justified in awarding Rs.50,000/- compensation towards pain and suffering basing on the evidence of PW2 and Rs.1,00,000/- towards medical expenses which includes hospital bills and cost of medicines etc. and Rs.3,00,000/- awarded as per the advice of the doctor that is required towards cost of antiepileptic drugs. Thus, the Tribunal had awarded a total compensation of Rs.4,50,000/-.

13. In view of the above, this court does not find any error in the order. Hence appeal is dismissed as devoid of merits. There is no order as to costs.

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Pending miscellaneous petitions, if any, in this
MACMA shall stand closed.

JUSTICE PULLA KARTHIK

Date: 16.09.2022
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