

THE HON'BLE SRI JUSTICE PULLA KARTHIK

M.A.C.MA. No.2524 of 2007

JUDGMENT:

This appeal is filed by the claimant aggrieved by the order and decree passed in O.P. No. 2016 of 2004 dated 15-05-2007 on the file of II Additional Metropolitan Sessions Judge-Cum-XVI Additional Chief Judge Hyderabad, wherein the Tribunal had awarded a compensation of Rs.6,000/- with proportionate costs and interest at 7.5% per annum from the date of the petition till the date of realization.

2. The case of the appellant in brief:

On 15-05-2002, at about 24 hours, while he was going to his house by walk at Kalikaman near STD booth, at that time an auto bearing No. AP12 V 3295 belongs to respondent No.1 came from Guljar house side in rash and negligent manner and dashed from back side due to which the appellant received multiple fractures. Immediately he was shifted to Osmania General Hospital for treatment.

Subsequently he was shifted to Smt Bhagvan Devi Maternity orthopaedic and General Hospital, Charkaman, Hyderabad and treated as inpatient. Later he underwent treatment in Gandhi Hospital from 16-06-2003 to 15-08-2003 and underwent operation on 06-08-2003 at Gandhi Hospital.

3. The 1st respondent remained exparte before the Tribunal.

4. The 2nd respondent/Insurance company filed its counter denying the averments of the petition and further denied the age, health condition, earning capacity of the appellant and wanted the claimant to strict proof of the same.

5. Basing on the above pleadings the following issues are framed by the Trial Court:

1. Whether the accident took place on 14-05-2002 at about 2 p.m., due to rash and negligent driving of auto bearing No. AP 12 V 3295, by its driver?

2. Whether the petitioner is entitled to claim compensation from the respondents? If so, to what amount and from whom?
3. To what relief?
6. The appellant was examined as P.W.1, and marked Ex.A-1 to Ex.A-7 on his behalf.
7. On behalf of the respondent No.2, Ex.B-1 copy of insurance policy is marked.
8. Heard both sides and perused the record.
9. The appellant contends that the Tribunal erred in not considering the multiple injuries sustained by the appellant and operation. It is further contended that the Tribunal erred in not granting compensation towards loss of income for which he had undergone treatment.
10. In contra, the respondent contends that the Tribunal had rightly passed an award basing on the evidence on record. It is further contended that there is no error in the order of the Tribunal and requested to dismiss the appeal.

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

12. As seen from the record the motor accident was occurred only due to the rash and negligent driving of the auto i.e., the crime vehicle. As per the evidence of PW.1 and exhibits, it is established that the injuries were sustained by the appellant due to the said accident and joined in Osmania General Hospital. Further he was shifted to Bhagvan Devi Maternity Orthopaedic and General Hospital, Charkaman, Hyderabad and treated as inpatient. Later he underwent treatment in Gandhi Hospital From 16.06.2003 to 15.08.2003 and underwent operation on 06.08.2003 at Gandhi Hospital. As per the Ex.A-6, he incurred about Rs.1,00,000/- towards medical bills.

13. In view of the above, this Court is of the view that the Tribunal had not justified, in not considering the medical bills i.e. Ex.A6. Hence, this court holds that it is appropriate to award an amount of Rs. 30,000/- towards

medical bills and Rs.10,000/- towards extra nourishment and award of Rs. 6,000/- towards simple injuries is enhanced to Rs. 10,000/-, which totally comes to an amount of Rs.30,000+10,000+10,000=50,000/-.

14. With the above modifications, this appeal is disposed of and the compensation amount of Rs.6,000/- is enhanced to Rs.50,000/- with proportionate costs and interest at 7.5% per annum from the date of the petition till the date of realization. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE PULLA KARTHIK

Date: 21-10-2022
ASR