

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**WEDNESDAY, THE TWELFTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU**

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 294 OF 2017**

Appeal filed under section 173 of M.V.Act., aggrieved by the decree and judgment passed in O.P. No. 286 of 2009, dated 25-10-2016, on the file of the Chairman, Motor Accident Claims Tribunals-Cum-IV Additional District And Session Judge (II Fast Track Court) At Nalgonda.

**Between:**

Pole Shobha, W/o. Shanker, Age 26 years, Occ: Labourer, R/o. Kolkulapally Village, Madgula Mandal, Mahaboobnagar District, Presently residing at Manyamchelka, Nalgonda Town

**...APPELLANT/CLAIMANT**

**AND**

1. K Ramulu Goud, S/o. Prathap, Age 44 years, R/o. H. No. 20-63, Kalvakurthy Village and Mandal, Mahaboobnagar District. (Owner of the Cruiser bearing No. AP-36-V-9431)
2. The Oriental Insurance Company Ltd., Rep. by its Manager, R/o. Divisional Office, Suryapet Town and Mandal, Nalgonda District. (Policy Cover Note No. 10015 Valid from 05-04-2007 to 04-04-2008)

**...RESPONDENTS/RESPONDENTS**

**Counsel for the Appellant: SRI. P S P SURESH KUMAR**

**Counsel for the Respondent No.1: None Appeared**

**Counsel for the Respondent No.2: SRI V VENKATARAMI REDDY**

**The Court made the following: JUDGMENT**

**HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU**

**M.A.C.M.A.NO.294 of 2017**

**JUDGMENT :**

Being aggrieved by the order of learned IV Addl. District Judge cum Chairman, MACT, Nalgonda in O.P.No.286 of 2009 dated 25-10-2016, where under the Tribunal awarded a sum of Rs.12,000/-, the appellant who is claimant in the above referred original petition filed this appeal under Section 173 of Motor Vehicles Act seeking enhancement of the compensation on the following grounds.

2. The Order and Decree of the Chairman cum MACT cum IV Addl. District Judge, Nalgonda, is contrary to law, weight of evidence. The Tribunal failed to appreciate that the appellant herein filed all the documentary evidence in support of her claim and there is evidence to believe that there is no negligence on the part of the driver of the vehicle in which the appellant was traveling at the time of accident. But the Court below committed an error by fixing liability to the drivers of both the vehicles which involved in the accident. The appellant has claimed that the Court below failed to appreciate that the amount granted under the head

of Medical Expenses is very less, thereby, it needs to be enhanced and no amount was ordered under the head of loss of earning. The appellant further stated that the Court below could have awarded interest @ 12% per annum instead of 7.5% per annum, which was ordered in the award.

3. The appellant herein filed O.P.No.286 of 2009 before the Tribunal seeking compensation on the ground of the injuries caused to her in a road traffic accident that occurred on 28-03-2008. According to the material allegations in the petition filed before the Tribunal, it was stated that when the appellant herein was proceeding towards Peddapur with some other villagers to attend the marriage in a Cruiser bearing No.AP 22 V 7171, the driver of another Cruiser bearing No.AP 36 V 9431 drove the vehicle in a rash and negligent manner from the opposite direction and dashed the vehicle in which the appellant was traveling. Therefore, the appellant and other passengers sustained grievous injuries. A complaint was lodged before police and the above referred claim petition was filed against the owner of the vehicle and Insurance company from which the owner obtained insurance policy. The matter has been enquired by the Tribunal and after the consideration of oral and documentary evidence, the learned

Chairman, MACT, Nalgonda allowed the claim by awarding a sum of Rs.12,000/-.

4. Heard both parties.

5. Now the point for consideration is :

Whether the Tribunal committed any error in awarding an amount of Rs.12,000/-, if so, whether the same is liable to be enhanced as prayed for?

6. The learned counsel for the appellant has submitted that the appellant has produced sufficient evidence both oral and documentary in support of the claim but the learned Chairman MACT, Nalgonda, failed to appreciate the evidence in a proper way and fastened the liability to the vehicles involved in the accident. But there is no evidence to believe that there is rash or negligent driving by the driver of the vehicle in which the appellant was traveling. The learned counsel further submitted that meager amount of compensation was awarded for the injuries in spite of the fact that the appellant has produced medical evidence. The learned counsel further argued that the Court below did not award any compensation for the medical expenses.

7. A perusal of the award impugned in the present appeal clearly shows that the learned Chairman having appreciated the oral evidence of appellant coupled with the Medical Certificate

rightly held that in spite of the evidence of PW.1 that she received number of injuries, as could be seen from the wound certificate, the appellant suffered only three simple injuries.

8. The Court below observed that in spite of the claim about medical expenses, the appellant did not produce any document in support of the claim nor any concerned person is examined. Therefore, the contention of the appellant that the appellant is entitled to some more amount towards medical expenses cannot be considered. The Court below having appreciated the oral evidence of the appellant, wound certificate produced before it, awarded an appropriate amount for the injuries. Even though, the appellant claimed that no amount was awarded towards medical expenses, the learned Chairman has awarded appropriate amount towards medical expenditure based on the injuries suffered by the appellant and treatment she might have undergone for such injuries. In addition to the said amounts, the Court below awarded compensation towards transport charges, food and extra nourishment. Therefore, it cannot be said that the Court below failed to award appropriate amounts. Therefore, there is nothing to interfere with the award which is reasoned one based

on oral and documentary evidence as such, the appeal is liable to be dismissed.

9. In the result, the appeal is dismissed.

Consequently, Miscellaneous applications if any, are closed.

No costs.

Sd/- P PADMANABHA REDDY  
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunals-Cum-IV Additional District And Session Judge (II Fast Track Court) At Nalgonda (With Records if any)
2. One CC to SRI. P S P SURESH KUMAR, Advocate [OPUC]
3. One CC to SRI. V VENKATARAMI REDDY, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

SSRN, J

DATED: 12/07/2023

JUDGMENT

MACMA.No.294 of 2017



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30/9/23

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AT HYDERABAD**

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**ORDER:** This appeal coming on for hearing and upon perusing the grounds of appeal, the judgment and decree of the Lower Court and the material papers in the case and upon hearing the arguments of SRI. P S P SURESH KUMAR, Advocate for the Appellant and of Sri V VENKATARAMI REDDY, Advocate for the Respondent No.2 and of None Appeared, Advocate for the Respondent No.1.

**This Court doth order and decree as follows:**

1. That this appeal be and hereby is dismissed and;
2. That there shall be no order as to costs in this appeal.

**Sd/- P PADMANABHA REDDY  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

  
**SECTION OFFICER**

**To,**

1. The Chairman, Motor Accident Claims Tribunals-Cum-IV Additional  
District And Session Judge (II Fast Track Court) At Nalgonda
2. Two CD Copies

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**HIGH COURT**

**SSRN, J**

**DATED:12/07/2023**

**DECREE**

**MACMA.No.294 of 2017**

**DISMISSING THE MACMA**

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