

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2739 OF 2014

Appeal Under Section 173 of Motor Vehicles Act, against the Award and decree dated 11-09-2012 passed in O.P.No.162 of 2011 on the file of the Court of the Chairman, Motor Accidents Claims Tribunal –cum- XI Additional Chief Judge (FTC), City Civil Court, Hyderabad.

Between:

K.Vasanth Kumar,, S/o. K.Varadarshi, Occ: Assistant Professor in Mechanical Engineering, JNTU College of Engineering, Jagitiala, Resident of Plot No.26, Road No. 3, Vasavi Colony, Saroornagar, Hyderabad.

...Appellant

AND

1. The APSRTC,, Rept., By its Managing Director, Musheerabad, RTC 'X' Roads, Hyderabad.
2. The APSRTC, Rept. by its Depot Manager, Asifabad Depot, Medak District. Owner of the APSRTC, Bus bearing NO. AP 28 Z-4955

...Respondents

Counsel for the Appellant: Sri. P. Ramakrishna Reddy

Counsel for the Respondents: Sri. Thoom Srinivas (SC FOR RTC)

The Court delivered the following: JUDGMENT

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

M.A.C.M.A.No.2739 of 2014

JUDGMENT:

This appeal is filed by the injured/claimant against the judgment and decree dated 11.09.2012 passed in M.V.O.P.No.162 of 2011 on the file of the MACT-cum-XI Additional Chief Judge (FTC), CCC, Hyderabad.

2. This appeal, is filed by Mr.K.Vasanth Kumar, who is the injured preferred this appeal stating that he met with an accident on 04.09.2010. He stated that he is working as an Assistant Professor in Mechanical Engineering in Jawaharlal Nehru Technological University, (for short 'JNTU'), Jagital as he is earning Rs.25,000/- per month as on the date of accident and he claimed of Rs.2,00,000/- towards compensation for the injuries sustained by him. But the trial Court after considering the oral and documentary evidence granted an amount of Rs.97,000/- with interest @ 7% per annum from the date of petition till the date of deposit. Aggrieved by the said order, the injured filed this appeal.

3. Heard learned counsel for the claimant and learned Standing Counsel for R.T.C.

4. In the appeal it is mainly contended that the injured aged about 38 years at the time of accident and also stated that he sustained polytrauma with scalp and forehead avulsion injury, fracture 5th metatarsal and PPX left little finger and other injuries all over his body. The petitioner further stated that he was treated as in-patient from 04.09.2010 to 08.09.2010 and was discharged with an advise to come for review after one week and also advised to take complete medication and total bed rest. He had incurred more than Rs.50,000/- towards medical treatment and he was to undergo further treatment. By the date of filing the petition the petitioner was undergoing periodical medical treatment. He was getting a monthly salary of Rs.25,000/- as Assistant Professor in Mechanical Engineering in JNTU, Jagityala. He is senior employee of JNTU.
5. He filed Ex.A.3 is the certified copy of injury certificate issued by Yashoda Hospital, Ex.A.4 is the discharge card along with complete medical record issued by Yashoda Hospital, Ex.A.5 is the bunch of out-patient treatment record issued by Yashoda Hospital, Ex.A.6 is the bunch of eight medical bills, Ex.A.7 is the bunch of three X-rays pf the petitioner.
6. He further stated that he incurred an amount of Rs.66,655/- towards medical treatment including

physiotherapy. From Ex.A.4 it is clearly stated that a surgery was performed to the petitioner with debriment + repair + reduction of splinting left hand were done under general anaesthesia on 05.09.2010. According to him it is stated that out of Rs.75,000/- incurred by him, an amount of Rs.40,000/- was reimbursed.

7. Considering the nature of the injury, age of the injured and the other documents filed by him, this Court finds it reasonable to grant an amount of Rs.35,000/- towards Medical expenses, as petitioner sustained three grievous injuries he is entitled for Rs.50,000/- towards loss occurred due to injuries. Apart from that, the petitioner is entitled an amount of Rs.20,000/- towards pain and suffering, Rs.20,000/- towards loss of amenities, Rs.15,000/- towards Transportation, Rs.15,000/- towards attendants charges, Rs.15,000/- on loss of damaging of the cloths and Rs.15,000/- towards Extra nourishments and. As petitioner was working as an Assistant Professor and he is earning Rs.25,000/- per month due to injuries sustained by him he might not have attended his duties for a period of six months as he fully availed the leave facility. Therefore, this Court finds it reasonable to grant an amount of

at least two months salary under this head. Therefore, the petitioner is entitled for Rs.50,000/- under this head.

8. Therefore, appellant/injured is entitled for the compensation in the following terms:

1.	For Injuries	Rs.50,000/-
2.	Loss of Earnings	Rs.50,000/-
3.	Pain and Suffering	Rs.20,000/-
4.	Loss of Amenities	Rs.20,000/-
5.	Medical expenses	Rs.35,000/-
6.	For Transportation	Rs.15,000/-
7.	For Damage of Clothes	Rs.15,000/-
8.	Attendants Charges	Rs.15,000/-
9.	Extra nourishments	Rs.15,000/-
TOTAL		Rs.2,35,000/-

9. In the result, this appeal is allowed by enhancing the compensation from **Rs.97,000/- to Rs.2,35,000/-** (Rupees Two lakhs Thirty Five thousand only) with interest at the rate of 7.5% per annum from the date of filing the petition till the date of realization. Respondents No.1 and 2 are jointly and severally liable to pay compensation within a period of one month from the date of this Judgment. On such deposit, petitioner is permitted to withdraw the entire amount

along with interest accrued on it. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR



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SECTION OFFICER

To,

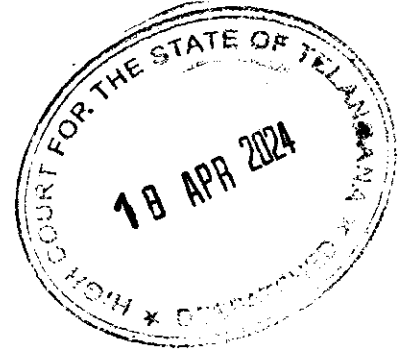
1. The Chairman, Motor Accidents Claims Tribunal –cum- XI Additional Chief Judge (FTC), City Civil Court, Hyderabad.
2. One CC to Sri. P. Ramakrishna Reddy, Advocate [OPUC]
3. One CC to Sri. Thoom Srinivas (SC FOR RTC) [OPUC]
4. Two CD Copies

PSR



HIGH COURT

DATED: 29/12/2023



JUDGMENT

MACMA.No.2739 of 2014

ALLOWING OF THE MACMA WITHOUT COSTS.

⑥ VWJ
15/3/24

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Owner of the APSRTC, Bus bearing NO. AP 28 Z-4955

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Appeal Under Section 173 of Motor Vehicles Act, against the Award and decree dated 11-09-2012 passed in O.P.No.162 of 2011 on the file of the Court of the Chairman, Motor Accidents Claims Tribunal –cum- XI Additional Chief Judge (FTC), City Civil Court, Hyderabad.

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. Ramakrishna Reddy, Advocate for the Appellant and of Sri. Thoom Srinivas (SC FOR RTC)

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and hereby is allowed by enhancing the Compensation from Rs.97,000/- to Rs.2,35,000/- (Rupees Two lakhs Thirty thousand only) with interest at the rate of 7.5% per annum from the date of filing the petition till the date of realization;
2. That the Respondent Nos.1 and 2 be and hereby are Jointly and Severally liable to pay Compensation within a period of one month from the date of this Judgment;
3. That on Such deposit, Petitioner is be and hereby permitted to withdraw the entire amount along with interest accrued on it; and
4. That there shall be no order as to costs in this appeal.

**Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR**

To,

1. The Chairman, Motor Accidents Claims Tribunal -cum- XI Additional Chief Judge (FTC), City Civil Court, Hyderabad.

2. Two CD Copies

PSR

SECTION OFFICER

HIGH COURT

DATED: 29/12/2023

DECREE

MACMA.No.2739 of 2014

ALLOWING OF THE MACMA WITHOUT COSTS.