

**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

M.A.C.M.A. NOS: 1416 OF 2014 AND 1456 OF 2013

M.A.C.M.A. NO: 1416 OF 2014

Appeal filed under Section 173 of motor Vehicles Act against the Order dated 30.08.2012 passed in MVOP.No.157 of 2011 on the file of the court of the Motor Vehicles accidents Claims Tribunal cum XIV Additional Chief Judge (FTC), City Civil Courts, Hyderabad.

Between:

S. Viswanadha Raju, S/o. Late Chinnappa Raju, Occ: Professor in Computer Science, JNTU College of Engineering Jagitjala, R/o. Plot No. 1005, L.I.G. III Phase, Near Kanaka Durga Temple, K.P.H.B.Colony, Hyderabad - 500 072.

...APPELLANT

AND

1. The APSRTC., Rep., by its Managing Director, Musheerabad, RTC X Road, Hyderabad.
2. The APSRTC., Rep., by its Depot Manager, Asifabad Depot, Medak District.

...RESPONDENTS

Counsel for the Appellant: SRI P. RAMAKRISHNA REDDY

Counsel for the Respondents: SRI THOOM SRINIVAS, SC FOR RTC

M.A.C.M.A. NO: 1456 OF 2013

Appeal filed under Section 173 of motor Vehicles Act against the Order dated 30.08.2012 passed in MVOP.No.157 of 2011 on the file of the court of the Motor Vehicles accidents Claims Tribunal cum XIV Additional Chief Judge (FTC), City Civil Courts, Hyderabad.

Between:

1. The APSRTC, Rep by its Managing Director, Musheerabad, RTC X Road, Hyd.
2. The APSRTC, Rep by its Depot Manager, Asifabad Depot, Medak Dist.

...APPELLANTS/RESPONDENTS

AND

Dr. S.Viswanadha Raju, S/o Late Chinnappa Raju, Occ - Professor in Computer Science, JNTU College of Engineering, Jagitiala, R/o Plot No.1005, L.I.G III Phase, Near Kanka Durga Temple, K.P.H.B.Colony, Hyderabad-500072.

...RESPONDENT/PETITIONER

Counsel for the Appellants: SRI THOOM SRINIVAS, SC FOR RTC

Counsel for the Respondent: SRI P. RAMAKRISHNA REDDY

The Court delivered the following: COMMON JUDGMENT

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

M.A.C.M.A.Nos.1416 OF 2014 AND 1456 of 2013

COMMON JUDGMENT:

M.A.C.M.A.No.1416 of 2014 is filed by the appellant against the judgment and decree dated 30.08.2012 passed in M.V.O.P.No.157 of 2011 on the file of the Motor Vehicles Accidents Claims Tribunal-cum-XIV Additional Chief Judge (FTC), City Civil Courts, Hyderabad.

2. M.A.C.M.A.No.1456 of 2013 is filed by the R.T.C against the judgment and decree dated 30.08.2012 passed in M.V.O.P.No.157 of 2011 on the file of the Motor Vehicles Accidents Claims Tribunal-cum-XIV Additional Chief Judge (FTC), City Civil Courts, Hyderabad this appeal is filed.

3. M.A.C.M.A.No.1416 of 2014, is filed by Dr.S.Viswanadha Raju/the injured stating that he met with an accident on 04.09.2010. He further stated that he is working as a Professor in Jawaharlal Nehru Technological University, (for short 'JNTU'), Jagital and he claimed of Rs.3,00,000/- towards compensation for the injuries sustained by him. But the trial Court after considering the oral and documentary evidence granted only an amount of Rs.1,36,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. Aggrieved by the said order, the injured filed this appeal.

4. In M.A.C.M.A.No.1416 of 2014 it is mainly contended that the trial Court granted less compensation towards

transportation, extra nourishment, medical treatment, damage of clothes, loss of earnings, pain and suffering, loss of amenities, inconvenience and pleasure.

5. Heard learned counsel for the appellant and learned Standing Counsel for R.T.C.

6. He examined P.W.2 as doctor and he stated that the petitioner came to their hospital with history of Road Traffic Accident on 04.09.2010 and he was admitted and treated as inpatient. The petitioner sustained Polytrauma with soft tissue injury face. Displace communitied fracture in posterior column of left Acetabulum. He managed the patient with skin traction and bed rest for the fracture of Acetabulum. The patient discharged on 08.09.2010 with an advice of bed rest for six weeks and also regular medication and advised him to go for followup treatment. P.W.2 further stated that the above injuries sustained by him are grievous in nature. Ex.A.13 was issued by him, he sustained 20% disability which is partial and permanent in nature. He followed the guidelines of Mc-Bride Scale while issuing the disability certificate to the patient. Exs.A.3 to A.6 were issued by their hospital. Ex.A.15/X-rays is taken by the petitioner as per his advice. Ex.A.13/disability certificate issued by him, on examining the patient clinically and radiologically. In cross-examination P.W.2 stated that he

did not conduct any surgery to the petitioner and the petitioner has not come for followup treatment in his OP Clinic.

7. In the appeal it is mainly contended that the injured aged about 38 years at the time of accident and also stated that he could not attend his duties at least for a period of six months due to injuries sustained by him.

8. 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 Rs.30,000/- towards injuries. The petitioner claimed Rs.1,00,000/- for medical expenses out of which the trial Court granted an amount of Rs.95,000/-. Therefore, this Court is not granting any amount towards medical expenses. Apart from that, the petitioner is entitled an amount of Rs.30,000/- for loss of amenities, Rs.30,000/- towards pain and suffering, Rs.15,000/- towards Transportation, Rs.15,000/- towards attendants charges, Rs.15,000/- on loss of damaging of the cloths and Rs.20,000/- towards Extra nourishments and. As petitioner was working as a Associate Professor and he is earning Rs.70,000/- per month due to injuries sustained by him he might not have attended his duties for a period of six months as he availed entire leave facilities. 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.1,40,000/- under this head.

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

1.	For Injuries	Rs.25,000/-
2.	Loss of Earnings	Rs.1,40,000/-
3.	Pain and Suffering	Rs.30,000/-
4.	Loss of Amenities	Rs.30,000/-
5.	For Transportation	Rs.15,000/-
6.	For Damage of Clothes	Rs.15,000/-
7.	Attendants Charges	Rs.15,000/-
9.	Extra nourishments	Rs.20,000/-
TOTAL		Rs.2,90,000/-

M.A.C.M.A.No.1416 of 2014

10. In the result, this appeal is partly allowed by enhancing the compensation from **Rs.1,36,000/- to Rs.2,90,000/-** (Rupees Two lakhs Ninety 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 Nos.1 and 2 are jointly and severally liable to pay compensation and directed to deposit the entire amount 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.

M.A.C.M.A.No.1456 of 2013

11. This appeal is filed by R.T.C contending that the trial Court passed award without taking into consideration the contributory negligence on the part of the driver of the car in which the injured was traveling and also contended that the interest was erroneously granted in not examining the Exs.A.1 to A.15. Therefore, requested this Court to modify the award passed by the trial Court.

12. In view of the findings in M.A.C.M.A.No.1416 of 2014 the M.A.C.M.A.No.1456 of 2013 is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- A.V.S.PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-XIV Additional Chief Judge (FTC), City Civil Courts, Hyderabad.(with records)
 2. One CC to Sri P. Ramakrishna Reddy, Advocate [OPUC]
 3. One CC to Sri C Sunilkumar Reddy, S.C. For APSRTC, Advocate [OPUC]
 4. Two CD Copies
- Plp/gh



HIGH COURT

DATED:29/12/2023

COMMON JUDGMENT

**MACMA.No.1416 of 2014
AND
MACMA.No.1456 of 2013**



**PARTLY ALLOWING THE APPEAL No.1416/14
AND
DISMISSING THE APPEAL No.1456/2013
WITHOUT COSTS.**

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4/4/24

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**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

M.A.C.M.A. NOS: 1416 OF 2014 AND 1456 OF 2013

M.A.C.M.A. NO: 1416 OF 2014

Between:

S. Viswanadha Raju, S/o. Late Chinnappa Raju, Occ: Professor in Computer Science, JNTU College of Engineering Jagitila, R/o. Plot No. 1005, L.I.G. III Phase, Near Kanaka Durga Temple, K.P.H.B.Colony, Hyderabad - 500 072.

...APPELLANT

AND

3. The APSRTC., Rep., by its Managing Director, Musheerabad, RTC X Road, Hyderabad.
4. The APSRTC., Rep., by its Depot Manager, Asifabad Depot, Medak District.

...RESPONDENTS

Appeal filed under Section 173 of motor Vehicles Act against the Order dated 30.08.2012 passed in MVOP.No.157 of 2011 on the file of the court of the Motor Vehicles accidents Claims Tribunal cum XIV Additional Chief Judge (FTC), City Civil Courts, 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 paper in the case and upon hearing the arguments of Sri P. Ramakrishna Reddy, Advocate for the Appellant and of Sri Thoom Srinivas, Standing Counsel for RTC, for Respondents.

M.A.C.M.A. NO: 1456 OF 2013

Between:

1. The APSRTC, Rep by its Managing Director, Musheerbad, RTC X Road, Hyd.
2. The APSRTC, Rep by its Depot Manager, Asifabad Depot, Medak Dist.

...APPELLANTS/RESPONDENTS

AND

Dr. S.Viswanadha Raju, S/o Late Chinnappa Raju, Occ - Professor in Computer Science, JNTU College of Engineering, Jagitiala, R/o Plot No.1005, L.I.G III Phase, Near Kanka Durga Temple, K.P.H.B.Colony, Hyderabad-500072.

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ORDER: These appeals coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Lower Court and the material paper in the case and upon hearing the arguments of Sri Thoom Srinivas, Standing Counsel for RTC for the Appellants and of Sri P. Ramakrishna Reddy, Advocate for Respondent.

This Court doth order and decree as follows:

1. That the M.A.C.M.A.No.1456 of 2013 filed by the R.T.C. be and hereby is dismissed;
2. That the M.A.C.M.A.No.1416 of 2014 filed by the Appellant be and hereby is partly allowed by enhancing the compensation from Rs.1,36,000/- to Rs.2,90,000/- (Rupees Two lakhs Ninety thousand only) with interest at the rate of 7.5% per annum from the date of filing the petition till the date of realization;
3. That the Respondent Nos.1 and 2 be and hereby are jointly and severally liable to pay compensation and directed to deposit the entire amount within a period of one month from the date of this judgment;
4. That on such deposit, petitioner be and hereby is permitted to withdraw the entire amount along with interest accrued on it; and
5. That there shall be no order as to costs in these appeals.

Sd/- A.V.S.PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-XIV Additional Chief Judge (FTC), City Civil Courts, Hyderabad.
2. Two CD Copies
Plp/gh



HIGH COURT

DATED:29/12/2023

COMMON JUDGMENT+DECREE

MACMA.No.1416 of 2014

AND

MACMA.No.1456 of 2013

PARTLY ALLOWING THE APPEAL No.1416/14

AND

DISMISSING THE APPEAL No.1456/2013

WITHOUT COSTS.

(4)

4/4/24

A.B