

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

**WEDNESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

**PRESENT
THE HONOURABLE SRI JUSTICE M.LAXMAN**

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL No: 3144 OF 2008

Appeal filed under Section 173 of M.V.Act aggrieved by the order dated 30.07.2005 in O.P.No.1445 of 2002 passed by the X Additional Chief Judge, (Fast Track Court), City Civil Court at Hyderabad.

Between:

RAVI, S/o. Shivraj, aged 24 years, Occ: Driver, R/o. Lalapet, Secunderabad,
Presently
R/o. H.No.9-2-120/A, Vijayapuri Colony, Kothapet,

...Appellant/Claimant

AND

The Vice Chairman And Managing Director, Andhra Pradesh State Road Transport Corporation, RTC X Roads, Musheerabad, Hyderabad.

...Respondent/Respondent

Counsel for the Appellant:Smt HEMA JAISWAL

Counsel for the Respondent: Sri. THOOM SRINIVAS (SC FOR TSRTC)

The Court made the following JUDGEMENT:

THE HON'BLE SRI JUSTICE M. LAXMAN
MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL
No.3144 OF 2008

JUDGMENT:

1. The present Motor Accident Civil Miscellaneous Appeal is filed challenging the award and decree, dated 30.07.2005 in O.P.No.1445 of 2002 on the file of the X Additional Chief Judge, City Civil Court: Fast Track Court at Hyderabad, (hereinafter referred to as 'Tribunal'), seeking enhancement of compensation by the petitioner before the Tribunal.
2. The main grievance of the appellant-injured is that the Tribunal while awarding compensation for fracture injuries has not fixed the appropriate compensation and discarded the earning disability of the appellant-injured. The compensation awarded under non-pecuniary damages is also on lower side.
3. Heard.
4. The Ex.A-4- discharge card of Osmania General Hospital shows that the appellant-injured suffered fracture of left femur M 1/3rd and butterfly fragment and on 28.12.2001, he underwent k-nail of left femur. He was admitted in hospital from 19.12.2001 to 07.01.2002 i.e., for nearly 20 days. The said findings are unchallenged.

5. The Tribunal has granted medical expenses of Rs.601/- with reference to Ex.A-5-medical bills and such findings requires no interference and the same is hereby confirmed. The Tribunal has granted Rs.500/- towards transportation charges and Rs.500/- towards extra nourishment and did not grant any amount towards attendant charges. Considering the nature of injuries and period of hospitalization of the appellant-injured, this Court is inclined to grant an amount of Rs.10,000/- towards extra nourishment, transportation and attendant charges to the appellant-injured, which shall include Rs.1,000/- already granted by the Tribunal.

6. The Tribunal has granted an amount of Rs.2,500/- towards temporary loss of earnings considering monthly income of Rs.1,250/- and the period for healment as two months. The appellant-injured was 18 years old and he claims to be working as driver, but his driving license is not produced to prove the same. Therefore, his claim of working as driver is rejected. However, his services as unskilled worker cannot be ignored. The accident took place in the year 2002, considering the same, this Court is inclined to fix the monthly income of the appellant-injured at Rs.3,000/-. The appellant-injured claimed that he suffered 40% disability due to the injury. The evidence of P.W.2 shows that the

appellant-injured suffered with limb disability on account of stiffness of left hip and knee. The impact of such injury on the profession of the appellant-injured was uncertain. Considering the above disability and the injuries sustained, this Court is inclined to take the earning disability at 10% due to impact of injuries. The appellant-injured was 18 years old at the time of accident and the appropriate multiplier is 18 as per the decision of Apex Court in the case of **Smt. Sarla Varma V. Delhi Transport Corporation**¹. The loss of earnings is assessed at Rs.64,800/- which is calculated as follows:

$$\text{Rs.3,000/-} \times 12 \text{ months} \times 10/100 \times 18 = \text{Rs.64,800/-}$$

7. The amount of Rs.64,800/- granted by this Court towards loss of earnings shall include Rs.12,500/- and Rs.2,500/- granted by the Tribunal towards fracture injuries and loss of earnings respectively.

8. The Tribunal has not granted any amount towards future medical expenses. This Court feels that an amount of Rs.10,000/- shall be awarded to the appellant-injured towards future medical expenses.

¹ 2009 (6) SCC 121

9. The Tribunal has granted an amount of Rs.2,500/- towards pain and suffering, which is on lower side. Hence, this Court is inclined to grant an amount of Rs.10,000/- towards pain and suffering, which shall include Rs.2,500/- already granted by the Tribunal.

10. The Tribunal has also not granted any amount under the head loss of amenities and this Court feels that an amount of Rs.10,000/- shall be granted under the said head.

11. The total quantum of compensation comes to Rs.1,05,401/- [medical expenses : Rs.601/- + extra nourishment, transportation and attendant charges : Rs.10,000/- + loss of earnings : Rs.64,800/- + future medical expenses : Rs.10,000/- + pain and suffering : Rs.10,000/- + loss of amenities : Rs.10,000/-], the said amount shall include the compensation of Rs.19,101/- already granted by the Tribunal.

12. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed and the quantum of compensation is enhanced from Rs.19,101/- to Rs.1,05,401/-. The enhanced amount shall carry interest at 7.5 % per annum from the date of filing of the O.P. till the date of realization. Respondent herein is directed to deposit the enhanced amount to the credit of O.P. along with

accrued interest within a period of two months from the date of receipt of a copy of this judgment. On such deposit, the appellant is permitted to withdraw the entire amount. The enhanced amount shall be paid to the appellant on payment of deficit Court fee, if any. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

**SD/- V. HARI PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. THE VICE CHAIRMAN AND MANAGING DIRECTOR, Andhra Pradesh State Road Transport Corporation, RTC X Roads, Musheerabad, Hyderabad.
2. One CC to SRI. HEMA JAISWAL Advocate [OPUC]
3. One CC to SRI. THOOM SRINIVAS (SC FOR TSRTC) Advocate [OPUC]
4. **Two CD Copies**

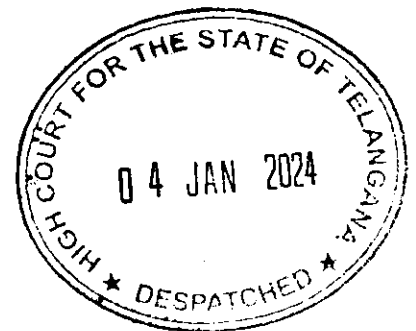


HIGH COURT

DATED:27/09/2023

JUDGMENT

MACMA.No.3144 of 2008



**PARTLY ALLOWED THE MACMA
WITHOUT COSTS.**

⑥ VW
20/12/23