

**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: 1620 OF 2014 AND 2612 OF 2013

Appeals filed under section 173 of Motor Vehicles act, against the order and decree dated: 25.02.2013 passed in O.P.No. 923 OF 2011 on the file of the Motor Vehicle Accidents Claims Tribunal-Cum-XI Addl. Chief Judge (FTC), City Civil Court, Hyderabad.

M.A.C.M.A.NO: 1620 OF 2014

Between:

Dr M.Uday Kumar, S/o M.Gandaiah, Occ: Associate Professor in Computer Sceience JNTU College of Engineering, Jagitiala, R/o MIG New Quarter No. 4450, Road No. 14, B.H.E.L. Hyderabad.

...APPELLANT/PETITIONER

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.

...RESPONDENTS/RESPONDENTS

Counsel for the Appellant: SRI. P RAMAKRISHNA REDDY

Counsel for the Respondents: SRI THOOM SRINIVAS (SC FOR APSRTC)

M.A.C.M.A.NO: 2612 OF 2013

Between:

1. The A.P.S.R.T.C., Rep. by its Managing Director, Musheerabad, RTC X Roads, Hyderabad.
2. The A.P.S.R.T.C., Rep. by its Depot Manager, Asifabad Depot, Medak District.
(Owners of the A.P.S.R.T.C bus bearing no.AP28AZ-6079)

...APPELLANTS/RESPONDENTS NO.

AND

Dr. M.Uday Kumar, S/o. M. Gandaiah, aged 35 years, Occ: Associate Professor, In Computer Sceince, J.N.T.U. College of Engineering, Jagitiala, Resident of MIG, New Quarter No. 4450, Road No. 14, B.H.E.L., Hyderabad.

...RESPONDENT/PETITIONER

MACMAMP. NO: 4993 OF 2013

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the execution of the decree and all further proceedings passed in O.P.No. 923/2011, dated 25.02.2013 on the file of the court of the XI Additional Chief Judge, City Civil Court, Hyderabad (Fast Track Court), pending disposal of the case.

Counsel for the Appellants: SRI. THOOM SRINIVAS (SC FOR RTC)

Counsel for the Respondent: P RAMAKRISHNA REDDY

The Court made the following: COMMON JUDGMENT

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

M.A.C.M.A.Nos.1620 of 2014 AND 2612 of 2013

COMMON JUDGMENT:

M.A.C.M.A.No.1620 of 2014 is filed by the injured/claimant against the judgment and decree dated 25.02.2013 passed in M.V.O.P.No.923 of 2011 on the file of the MACT-cum-XI Additional Chief Judge (FTC), CCC, Hyderabad.

2. M.A.C.M.A.No.2612 of 2013 is filed by the R.T.C against the judgment and decree dated 25.02.2013 passed in M.V.O.P.No.923 of 2011 on the file of the MACT-cum-XI Additional Chief Judge (FTC), CCC, Hyderabad this appeal is filed.

3. M.A.C.M.A.No.1620 of 2014, is filed by Dr.M.Uday 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 Associate Professor in Computer Science in Jawaharlal Nehru Technological University, (for short 'JNTU'), Jagital and he claimed of Rs.4,00,000/- towards compensation for the injuries sustained by him. But the trial Court after considering the oral and documentary evidence granted an amount of Rs.1,88,000/- 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.

4. In M.A.C.M.A.No.1620 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. It is also held that the trial Court failed to apply the multiplier method and requested the Court to modify the order.

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

6. In the appeal it is mainly contended that the injured aged about 35 years at the time of accident and also stated that he could not attend his duties at least for a period of six months as he sustained fracture of both bones of left leg and he also examined P.W.2/Doctor. It is further stated that he underwent surgery of ILN tibia was done under spinal anesthesia on 05.09.2010 and certain medicines were prescribed to the petitioner and he was advised to come for review on 17.09.2010. Injured filed discharge summaries under Exs.P.3 and P.4, out patient prescriptions under Ex.P.5, Ex.P.6/a bunch of 7 medical examination reports, Ex.P.7/a bunch of eight (08) medical bills, Ex.P.8/a bunch of advance payment receipts along with refund, Exs.P.9 and P.10/proceedings along with application for medical reimbursement granted to them, Ex.P.11/proceedings along with application of medical reimbursement dated 10.10.2011 and Ex.P.12/a bunch of X-rays.

7. Learned counsel for the appellant further stated that injured was again admitted in the hospital on 10.09.2011 and surgery was performed to him for post-operative interlocking nailing left tibia(removal) and he was discharged on 11.09.2011 and also stated that as per Ex.P.5 he took treatment in Pranaam Hospital on 20.09.2011. An X-Ray was taken on left ankle was taken and the same was found to be satisfactory and the petitioner was advised to come for review after one month by prescribing some medicines to him. He also stated that as per the total bill he incurred Rs.90,905/-. The trial Court observed that out of Rs.1,29,780/- an amount of Rs.64,859/- was granted by way of reimbursement.

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 of Rs.65,000/- towards Medical expenses, as petitioner sustained on grievous injury he is entitled for Rs.25,000/- towards loss occurred due to injuries. The trial Court already granted an amount of Rs.30,000/- towards pain and suffering and Rs.30,000/- towards loss of amenities and this Court finds that the trial Court rightly granted the amount and feels that no interference is required by this Court under these two heads. Apart from that, the petitioner is entitled an amount of 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. However, the trial Court granted an amount of Rs.20,000/- towards loss of future earning capacity. 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.	Medical expenses	Rs.65,000/-
6.	For Transportation	Rs.15,000/-
7.	For Damage of Clothes	Rs.15,000/-
8.	Attendants Charges	Rs.15,000/-
9.	Extra nourishments	Rs.20,000/-
TOTAL		Rs.3,55,000/-

M.A.C.M.A.No.1620 of 2014

10. In the result, this appeal is partly allowed by enhancing the compensation from **Rs.1,88,000/- to Rs.3,55,000/-** (Rupees Three lakhs Fifty 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.

M.A.C.M.A.No.2612 of 2013

11. In view of the findings in M.A.C.M.A.No.1620 of 2014 the M.A.C.M.A.No.2612 of 2013 is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

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**SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR**

SECTION OFFICER

To

1. The Motor Vehicle Accidents Claims Tribunal-Cum-XI Addl. Chief Judge (FTC), City Civil Court, Hyderabad.(With Records if any)
2. One CC to SRI. P RAMAKRISHNA REDDY, Advocate [OPUC]
3. One CC to SRI. C SUNILKUMAR REDDY (SC FOR APSRTC) Advocate [OPUC]
4. Two CD Copies

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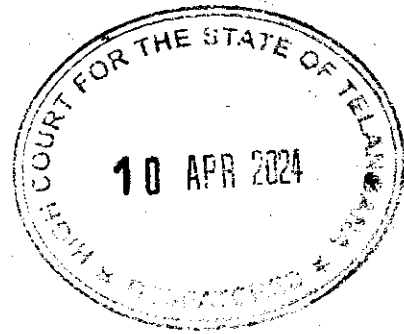
5. One CC to SRI THOON SRINIVAS, SC FOR RTC [OPUC]

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HIGH COURT

DATED: 29/12/2023

**COMMON JUDGMENT
MACMA.No.1620 OF 2014
AND
MACMA.No.2612 OF 2013**



**PARTLY ALLOWING THE
MACMA.NO.1620 OF 2014
AND
DISMISSING THE
MACMA.NO.2612 OF 2013**

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23/12/24

**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.NO: 1620 OF 2014 AND 2612 OF 2013

M.A.C.M.A.NO: 1620 OF 2014

Between:

Dr M.Uday Kumar, S/o M.Gandaiah, Occ: Associate Professor in Computer Sceience JNTU College of Engineering, Jagitjala, R/o MIG New Quarter No. 4450, Road No. 14, B.H.E.L. Hyderabad.

...APPELLANT/PETITIONER

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.

...RESPONDENTS/RESPONDENTS

Counsel for the Appellant: SRI. P RAMAKRISHNA REDDY

Counsel for the Respondents: SRI THOOM SRINIVAS (SC FOR SRTC)

M.A.C.M.A.NO: 2612 OF 2013

Between:

1. The A.P.S.R.T.C., Rep. by its Managing Director, Musheerabad, RTC X Roads, Hyderabad.
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...RESPONDENT/PETITIONER

Appeals filed under section 173 of Motor Vehicles act, against the order and decree dated: 25.02.2013 passed in O.P.No. 923 OF 2011 on the file of the Motor Vehicle 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 in MACMA.No.1620 of 2014 and Respondent in M.A.C.M.A.No.2612 of 2013 and of SRI THOOM SRINIVAS (SC FOR TSRTC), Advocate for the Respondents in MACMA.No.1620 of 2014 and for the Appellant in M.A.C.M.A.No.2612 of 2013.

This Court doth Order and decree as follows:

1. That the MACMA No.1620 of 2014 is partly allowed by enhancing the compensation from Rs.1,88,000/- (One Lakh eighty eight thousand rupees only) to Rs.3,55,000/- (Three Lakh Fifty 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;
2. That the Respondents No.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 permitted to withdraw the entire amount along with interest accrued on it;
4. That the MACMA.No.2612 of 2013 be and hereby is dismissed;
5. That save as aforesaid, the decree of the Tribunal shall Stand confirmed in all other respects; and
6. That there shall be no order as to costs in this appeal.

**SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR**

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SECTION OFFICER

To

1. The Motor Vehicle Accidents Claims Tribunal-Cum-XI Additional Chief Judge (FTC), City Civil Court, Hyderabad.
2. Two CD Copies

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HIGH COURT

DATED: 29/12/2023

**COMMON DECREE
MACMA.No.1620 OF 2014
AND
MACMA.No.2612 OF 2013**

**PARTLY ALLOWING THE
MACMA.NO.1620 OF 2014
AND
DISMISSING THE
MACMA.NO.2612 OF 2013**

(4) Copies
By
23/3/24