IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 229 OF 2019

Appeal filed under Section 173 of MV Act against the order dated the 15th day of November 2018 made in M.V.O.P.No.1825 of 2014 on the file of the Court of the Chairman, Motor Accident Claims Tribunal-Cum-Chief Judge City Civil Courts At Hyderabad.

Between:

Medishetty Surya Venkata Durga Ganesh @ M.Ganesh, S/o Medishetty Venkateshwara Rao, Aged about 22 years, Occupation. Office Coordinator, R/o H.No.MIG 129, Madhuban colony, Kattedan, Rajendra Nagar, Ranga Reddy District-500 077.

...APPELLANT/PETITIONER

AND

1. Shaik Amjad, S/o Shaik Moinuddin, Aged about Major, Occ. Owner of the Bus bearing No.AP22W8140. R/O Door No.4-9-17, Market Road, Narayanapet, Mahabubnagar District-509210.
2. The New India Assurance Co. Ltd., Rep.by its Senior Divisional Manager, Motor Third Party Claims Hub, Door No.5-2-174/2, Madan Mohan Building, R.P. Road, Secunderabad 500003,
   Policy number-611501311301000020027, Period of cover on 3-7-2013 to 2-7-2014
3. Telangana State Road Transport Corporation, VC and MDs Office, Bus Bhavan, Musheerabad, Hyderabad - 500020.
   (Bus bearing No.AP22W8140, Mahbubnagar Depot.)

...RESPONDENTS/RESPONDENTS

Counsel for the Appellant: Sri E. Kishore Kumar

Counsel for the Respondent No. 1: None Appeared

Counsel for the Respondent No. 2: Sri T. Sanjay K. Singh

Counsel for the Respondent No. 3: Sri N. Vasudeva Reddy

The Court delivered the following: JUDGMENT

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

M.A.C.M.A.No.229 of 2019

JUDGMENT:

Being not satisfied with the quantum of compensation awarded in the order and decree dated 15.11.2018 passed in M.V.O.P.No.1825 of 2014 by the Chairman, Motor Accidents Claims Tribunal-Cum-Chief Judge, City Civil Court Hyderabad (hereinafter referred to as "the Tribunal"), the present appeal has been filed by the appellant-claimant seeking enhancement.

2. The brief facts of the case are that on 06.05.2014 while the appellant-claimant was proceeding on his pulsar bike bearing No.AP-05-BD-1270 from his office to residence and reached near Thondupally Railway Bridge on NH-44, an APSRTC bus bearing No.AP-22-W-8140 being driven by its Driver with high speed in a rash and negligent manner dashed to the bike and as a result, the appellant-claimant sustained bleeding grievous injuries on his right leg. Immediately, the appellant-claimant was shifted to Trident Hospital, Shamshabad and thereafter, to NIMS Hospital for better treatment and the petitioner underwent surgery for thrice. The Police, Shamshabad registered a case in Crime No.135 of 2014 under Section 337 of IPC against the driver of APSRTC bus. Stating that the appellant-claimant spent Rs.73,345/- towards medical bills, he

was aged 22 years as on the date of accident and working as Office Coordinator in Pharmula Academy, Ameerpet, Hyderabad and earning Rs.8,500/- per month, he filed the aforesaid claim petition before the Tribunal, seeking compensation of Rs.10,00,000/- along with interest @ 9% per annum from the date of the accident till the date of realization of the amount.

3. Before the Tribunal, the respondent No.1 remained *ex parte*. Respondent Nos.2 and 3 i.e., insurer and the corporation filed separate counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition. After considering the oral and documentary evidence on record, the Tribunal awarded total compensation of Rs.5,05,700/- with interest @ 7.5% per annum in favour of the appellant-claimant. The present appeal is filed seeking enhancement of the compensation.

4. Considered the submissions of the learned counsel for the parties and perused the record.

5. There is no dispute with regard to the finding of the Tribunal that the accident was caused due to the rash and negligent driving of the bus and the liability of respondents.

6. So far as the assessment of quantum of compensation is concerned, a careful examination of the record reveals that the appellant-claimant suffered grievous injuries, such as crush injury to right foot and ankle, extensive soft-tissue damage, multiple surgeries including debridement, external fixation, skin grafting, and repeated hospitalizations. He lost functional use of right lower limb to a considerable extent. The severity is evident from medical records (Exs.A3, A.4, A5 and A9).The Doctor (PW3) assessed permanent disability at 52% of the right lower limb (Ex.A6). Though the Tribunal rejected Ex.A6 on grounds of lack of identity marks of the person with disability, the fact remains that the injuries were severe, required multiple surgeries and may entail restricted mobility in future.

7. Thus, having regard to the multiplicity of surgeries, the grievous nature of injuries, the certified medical disability, the youthful age of the appellant-claimant, and the long future likely affected life, this Court is of the opinion that the appellant-claimant is entitled to enhanced compensation under different heads. The amount granted by the Tribunal towards injuries sustained by the appellant-claimant needs to be enhanced from Rs.2 00,000/- to Rs.4,00,000/-. Keeping in view the trauma, mental and physical shock (past and future), enduring disability, restricted mobility, loss of comfort, the amount of Rs.40,000/- awarded by the Tribunal

under the head of pain and suffering can be enhanced to Rs.2,00,000/-. Further, having regard to the loss of anticipation of full normal life, including inability to lead life with full mobility, restrictions on marital-life activities, the amount of Rs.40,000/- granted by the Tribunal towards loss of amenities is enhanced to Rs.1,50,000/-. The amounts granted by the Tribunal under others heads i.e., Rs.20,000/- and Rs.10,000/- towards transportation and extra nourishment are enhanced to Rs.30,000/- and Rs.20,000/- respectively. Further, the amount granted by the Tribunal towards medical expenses at Rs.1,44,754/- and Rs.51,000/- towards loss of earnings can be maintained. Thus, the total compensation payable to the appellant is tabulated as under:

Sl. No.	**Name of the Head**	**Compensation Amount**
1.	Injuries	Rs.4,00,000
2.	Pain and Suffering	Rs.2,00,000
3.	Loss of amenities	Rs.1,50,000
4.	Transportation	Rs.30,000
5.	Extra Nourishment	Rs.20,000
6.	Medical bills	Rs.1,44,754
7.	Loss of earnings	Rs.51,000
	Total	**Rs.9,95,754 (Rounding off to Rs.10,00,000/-)**

8. In the result, this appeal is allowed and the compensation awarded by the Tribunal is enhanced from Rs.5,05,700/- to Rs.10,00,000/-. The enhanced compensation shall carry interest at

7.5% per annum from the date of petition till the date of realization. The rest of the terms and conditions imposed by the Tribunal shall remain unaltered. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

Sd/- M JAWAHAR REDDY
ASSISTANT REGISTRAR

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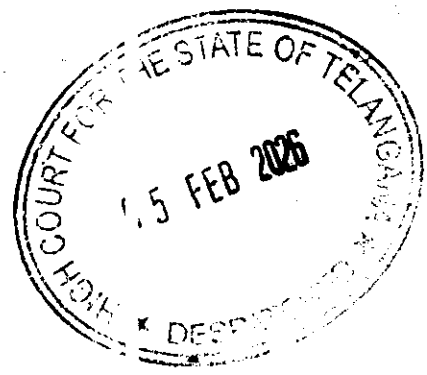
1. The Chairman, Motor Accident Claims Tribunal-Cum-Chief Judge City Civil Courts at Hyderabad.
2. One CC to Sri E. Kishore Kumar, Advocate [OPUC]
3. One CC to Sri T. Sanjay K. Singh, Advocate [OPUC]
4. One CC to Sri N. Vasudeva Reddy, Advocate [OPUC]
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KVR

HIGH COURT

CVBR, J

DATED: 28/11/2025



JUDGMENT

MACMA.No.229 of 2019

PARTLY ALLOWED
WITHOUT COSTS

02/02/26

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

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This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Court below and the material papers in the case and upon hearing the arguments of Sri E. Kishore Kumar, Advocate for the appellant, Sri T. Sanjay K. Singh, Advocate for the Respondent No. 2, Sri n. Vasudeva Reddy, Advocate for the Respondent No. 3 and none appeared for Respondent No. 1 either in person or by Advocate.

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and hereby is partly allowed by enhancing the compensation amount from Rs. 5,05,700 to Rs 10,00,000/-;
2. That the enhanced compensation amount shall carry interest at 7.5% per annum from the date of petition till the date of realization;
3. That the rest of the terms and conditions imposed by the Tribunal shall remain unaltered;
4. That save as aforesaid, the decree of the Tribunal shall stand confirmed in all other aspects; and
5. That there shall be no order as to costs in this appeal.

Sd/- M JAWAHAR REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-Cum-Chief Judge City Civil Courts at Hyderabad.
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HIGH COURT

CVBR, J

DATED: 28/11/2025

DECREE

MACMA.No.229 of 2019

PARTLY ALLOWED
WITHOUT COSTS

(4)
02/02/26