IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 219 OF 2019

Appeal filed Under Section 173 of Motor Vehicles Act,1988 against the Order and decree in M.V.O.P.No.391 of 2011 dated. 20.03.2018 on the file of the Court of the Chairman Motor Vehicle Act Tribunal Cum V Additional District and Sessions Judge, Ranga Reddy District.

Between:

Mohd. Mahboob, @ Mahamood, S/o Mohd. Maulana, Aged 20 years, Occ-Driver, R/o. H.no.18-13-6/86/76, Chandrayangutta,Hyderabad.

...Appellant/Petitioner

AND

1. Akram Ali Khan, S/o Ayub Khan, Aged Major, Occ- Business, R/o H.No.3-130/ 11, Peddamanthal- VIII, Pudur-Tq, R.R. District
2. The IFFCO-Tokio General Insurance Company Limited,, represented by its Divisional Manager, II Floor, Uma Chambers, Banajara Hills, Panjagutta,Hyderabad.

...Respondents/Respondents

Counsel for the Appellant :SRI JAGATHPAL REDDY KASI REDDY

Counsel for the Respondent No.2 : SRI K AJAY KUMAR

The Court delivered the following: Judgment

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

M.A.C.M.A.No.219 of 2019

DATE: 03.12.2025

Between:

Mohd. Mahboob @ Mahamood

.....Appellant

AND

Akram Ali Khan and another

....Respondents

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant-claimant challenging the award and decree dated 20.03.2018 passed in M.V.O.P.No.391 of 2011 by the Chairman, Motor Accident Claims Tribunal-cum-V Additional District and Sessions Judge, Ranga Reddy District, at L.B. Nagar (for short "the Tribunal"), whereby compensation of Rs.10,01,000/- with interest @ 7.5% per annum was awarded for the injuries sustained by the appellant in a motor vehicle accident.

2. The brief facts of the case are that on 17.04.2011 at about 8.30 PM, the appellant-claimant was travelling as a passenger in an auto bearing No.AP-28-Y-8768, and near Durga Nagar X Roads, Katedan, the said auto, while overtaking another vehicle, hit another auto from

the side, due to which, the appellant received grievous injuries to his right leg and other parts of the body. It is stated that the appellant was shifted to Gandhi Hospital, Secunderabad, underwent amputation surgery, and incurred substantial expenditure. A case in Crime No.221 of 2011 on the file of Sivarampally Police Station, was registered against the driver of the auto. The appellant filed the aforesaid claim petition seeking compensation of Rs.20,00,000/-.

3. The Tribunal, on appreciation of the evidence on record, held that the accident occurred due to the rash and negligent driving of the driver of the auto and awarded total compensation of Rs.10,01,000/- with interest @ 7.5% per annum. Aggrieved by the same, the appellant filed this appeal seeking enhancement.

4. The learned counsel for the appellant contended that the Tribunal erred in taking the appellant's income at Rs.5,000/- per month instead of Rs.10,000/-; failed to add future prospects; awarded only Rs.1,50,000/- towards artificial limb despite Ex.A3 and P.W.3 proving the requirement of Rs.2,44,500/-, and awarded inadequate amounts under pain and suffering, incidental charges, extra nourishment, attendant charges, physiotherapy, loss of amenities, and future medical expenses. It is further contended that the disability being 70%, the compensation should have been substantially higher.

5. On the other hand, the learned counsel for respondent No.2-Insurance Company supported the impugned award and submitted that no enhancement is warranted.

6. The finding of the Tribunal that the accident occurred due to the rash and negligent driving of the auto driver is supported by the FIR, charge sheet, and oral evidence. There is no basis to disturb the said finding.

7. Coming to the quantum of compensation, the appellant suffered amputation of the right lower limb, underwent prolonged treatment, and sustained permanent disability assessed at 70%. The Tribunal awarded Rs.7,56,000/- towards disability. Having regard to the nature of amputation, lifelong impact on earning capacity and mobility, the said amount does not warrant interference and is confirmed. The Tribunal awarded Rs.1,50,000/- towards artificial limb. However, Ex.A3 and the testimony of P.W.3 establish that the prosthetic limb recommended costs Rs.2,44,500/-. Considering that an amputee requires periodic refitting and replacements, the amount is enhanced to Rs.2,44,500/-. Towards pain and suffering, the Tribunal awarded Rs.75,000/-. Considering the traumatic amputation, prolonged hospitalization, multiple procedures, and permanent disability, the said amount is inadequate and the same is enhanced to Rs.1,50,000/-. Towards incidental charges, the Tribunal awarded Rs.20,000/-. Taking into account transportation, attendant support,

special diet, diagnostic expenses, and follow-up visits, the same is enhanced to Rs.50,000/-. Apart from the above, the claimant is also entitled to compensation under additional heads which were not adequately addressed by the Tribunal. Accordingly, the appellant is awarded Rs.25,000/- towards extra nourishment; Rs.25,000/- towards attendant charges; and Rs.50,000/- towards loss of amenities and marital prospects. Thus the total compensation payable to the appellant comes to Rs.13,00,500/-.

8. In the result, this appeal is partly allowed by enhancing the compensation from Rs.10,01,000/- to Rs.13,00,500/- with 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. No order as to costs.

SD/- M JAWAHAR REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

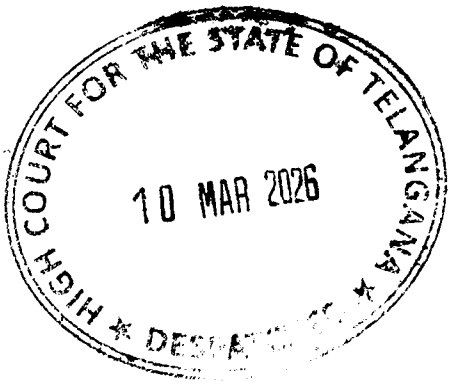
To,

1. The Chairman Motor Vehicle Act Tribunal Cum V Additional District and Sessions Judge, Ranga Reddy District(With records, if any)
2. One CC to SRI JAGATHPAL REDDY KASI REDDY, Advocate [OPUC]
3. One CC to SRI K AJAY KUMAR, Advocate [OPUC]
4. Two CD Copies

ADK

HIGH COURT

DATED:03/12/2025



JUDGMENT+DECREE

MACMA.No.219 of 2019

PARTLY ALLOWING THE MACMA
WITHOUT COSTS

(6)
18/02/26
O.K

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WEDNESDAY, THE THIRD DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

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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 JAGATHPAL REDDY KASI REDDY Advocate for the Appellant and of SRI K AJAY KUMAR, Advocate for the Respondent No.2 and none appeared for the respondent No.1.

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 from Rs. 10,01,000/- to Rs. 13,00,500/- with interest at 7.5% per annum from the date of petition till the date of realization;
2. That the rest of the terms and conditions imposed by the Tribunal shall remain unaltered;
3. That save as aforesaid, the Judgment and decree of the Tribunal shall stands confirmed in all other respects; and
4. That there shall be no order as to costs in this appeal.

SD/- M JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman Motor Vehicle Act Tribunal Cum V Additional District and Sessions Judge, Ranga Reddy District
2. Two CD Copies

BADK

HIGH COURT

DATED:03/12/2025

DECREE

MACMA.No.219 of 2019

PARTLY ALLOWING THE MACMA
WITHOUT COSTS

18/02/26