

**IN THE COURT OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL-
CUM- XXVI ADDITIONAL CHIEF JUDGE, CITY CIVIL COURT, AT:
HYDERABAD**

**Present: Smt. Vempati Aparna
Chairman, MACT-cum-XXVI Addl. Chief Judge**

Thursday, 21st May, 2026

M.V.O.P. No. 700 of 2016

Between:

P. Praveen, S/o. P. Vigneshwar, Aged: 35 years, Occ: Ex-Software Engineer, Polaris Financial Technology Limited, Resident of H.No.1-5-401, Bakaram, Musheerabad, Hyderabad-500020.

...Petitioner

A N D

1. B. Francis Emmanuel, S/o. B. Andrews Emmanuel, Aged Major, Occ: Business, R/o.4-1-1/34, King Koti, Abids, Hyderabad.
(Owner of the Car bearing No.AP-09TB-2393)
2. The Reliance General Insurance Company Limited, (a Anil Dhirubhai Ambani Group) Reptd. by its Divisional Manager, 4-3-327 to 337, Sagar Plaza, 4th floor, Abids, Hyderabad. (Policy Cover note No.314000000598
Valid from 31.08.2013 to 30.08.2014)
3. T. Panduranga, S/o. T. Suryanarayana, Aged Major, Occ: Driver, R/o.Plot No.6, Gaddianaram, Dilsukhnagar, Hyderabad. (Driver of the Car bearing No.AP-09TB-2393)

...Respondents

Counsel for Petitioner : Sri P. Rama Krishna

Counsel for respondent No.2 : Sri G. Srinivasa Charyulu

Respondent No.1 : Absent

Respondent No. 3 remained ex parte

This petition coming on 19.05.2026 for final hearing; upon hearing the counsel on record and considering the material on record and having stood over for consideration till this day, this Tribunal has made the following:

:: O R D E R ::

1. The present petition is filed under **Section 166 of Motor Vehicle Act** by the claim petitioner against respondent Nos.1 to 3 seeking compensation of **Rs.40,00,000/-** (Rupees Forty Lakhs only) together with interest @ 24% per annum from the date of accident till the date of realization on account of injuries sustained by the petitioner herein in a motor vehicle accident occurred on 21.05.2014.

2. The brief averments of the claim petition are as under:

- i.** That on **21.05.2014 at about 4:30 P.M.**, the petitioner was proceeding on his motorcycle bearing registration No. AP-09-BJ-3748 from Musheerabad towards Polaris Company, Nanakramguda, slowly and cautiously on the extreme left side of the road. When the petitioner reached near Wipro Circle, Nanakramguda, Cyberabad, at that time a car bearing registration No. AP-09-TB-2393, driven by its driver in a rash and negligent manner and at high speed, suddenly took a “U” turn without giving any indicators or signals and dashed against the motorcycle of the petitioner. Due to the forceful impact, the petitioner fell down from the motorcycle and sustained grievous injuries, namely fracture of skull/head, fracture of left petrous pyramid bone extending into the occipital bone, right parietal scalp laceration, injuries to ears,

left peri-temporal contusion, left VII cranial nerve palsy and multiple injuries all over the body. Immediately after the accident, the petitioner was shifted to Continental Hospitals, Gachibowli, Hyderabad, where after necessary investigations he was treated as an inpatient and underwent surgery for **right parietal scalp laceration under local anaesthesia. The wound was washed with saline and betadene and suturing was done with a skin stapler.** After discharge from Continental Hospitals, the petitioner continued treatment under Dr. Sreedhar, Neurologist, at Sai Krishna Super Specialty Hospital, Kachiguda and SVS Neuro Hospital, Kachiguda, Hyderabad. The accident occurred solely due to the rash and negligent driving of the driver of the offending car and there was no negligence on the part of the petitioner. The motorcycle of the petitioner was also completely damaged in the accident.

- ii.** In connection with the said accident, the Police of Raidurg Police Station, Cyberabad, registered a case in Crime No.279 of 2014 under Section 337 of the Indian Penal Code against the driver of the offending car.
- iii.** Due to the grievous injuries sustained in the accident, the petitioner suffered permanent disability and became incapable of continuing his profession as a Software Engineer. The

petitioner has been suffering from loss of memory, severe headaches, drowsiness and inability to sit continuously before a computer system. The petitioner is also suffering from numbness and budging on the left side of the head extending from the ear to the face due to fracture of the left petrous pyramid bone extending into the occipital bone. The petitioner further suffered weakness on the entire left side of the body and is unable to walk freely, besides experiencing pain in the left leg and left hand even while walking for short distances. The petitioner is unable to concentrate or work for more than one hour due to memory loss and severe headaches. The petitioner's face has become disfigured with bending of the face and head towards one side due to fractures of the head and nasal bone. The petitioner is also suffering from continuous shivering and requires lifelong treatment and medical follow-up, incurring expenses of approximately Rs.10,000/- per month. The doctors have further advised the petitioner to undergo a future brain surgery, which would cost approximately Rs.5,00,000/- towards medical expenses.

iv. Due to the injuries sustained to the left eye, the petitioner lost vision in the left eye. The left eye became weak, diminished in size and the objects are not clearly visible to him. The petitioner is unable to drive vehicles during night

time due to dazzling lights from oncoming vehicles. He is also unable to work on computer systems continuously, as he experiences drowsiness and blurred vision after working for one hour. Due to fracture of the nasal bone, the petitioner is also suffering from bleeding problems and requires further surgical intervention for correction of the nasal fracture.

- v. The petitioner was aged about 35 years at the time of the accident and prior thereto he was hale and healthy without any ailments or bad habits. Prior to the accident, the petitioner was working as a Software Engineer with Polaris Financial Technology Limited, Cyberabad, from the year 2010 till the date of accident and was earning a sum of Rs.50,000/- per month besides other allowances, overtime and incentives. Due to the permanent disability caused by the injuries sustained in the accident, the petitioner became incapacitated and bedridden and was removed from service, as he is unable to discharge his duties as a Software Engineer. At present, the petitioner is not earning anything and is completely dependent upon others for his livelihood and day-to-day activities. The petitioner has been suffering continuous pain and agony and has lost all amenities, comforts and enjoyment of life besides loss of expectation of life and social stigma.

vi. The petitioner was working as an Associate Consultant and had bright future prospects on account of his work experience and professional skills and would have earned about Rs.75,000/- per month in due course of time. The petitioner used to spend his earnings towards the maintenance of his wife, two children and parents. The mother of the petitioner is also suffering from cancer and due to the accident the petitioner has become financially incapable of meeting the medical expenses of his mother and is forced to borrow money for his treatment and for the treatment of his mother. Prior to the accident, the petitioner was hardworking, sincere and dedicated to his profession. However, after the accident, the petitioner became permanently disabled, bedridden and incapable of carrying out his regular work and day-to-day activities. Due to the grievous injuries and fractures sustained in the accident, the petitioner underwent severe mental shock, pain and agony and his future prospects and life have been completely shattered. The petitioner has lost all amenities and comforts in life and incurred huge expenditure towards medical treatment, transportation, attendant charges and extra nourishment. Accordingly, the petitioner is claiming a total compensation of Rs.40,00,000/- (Rupees Forty Lakhs

only) under all heads including the amount payable under Section 140 of the Motor Vehicles Act.

vii. Respondent No.1 being the owner, Respondent No.2 being the insurer and Respondent No.3 being the driver of the offending car bearing registration No. AP-09-TB-2393 are jointly and severally liable to pay compensation to the petitioner, as the accident occurred solely due to the rash and negligent driving of the driver of the offending vehicle, resulting in grievous injuries and permanent disability to the petitioner.

3. That the respondent No.1 called absent and respondent No.3 has chosen to remain *ex parte*. However, respondents No.2 made his appearance and filed counter its respective counter.

4. The brief averments of counter of respondent No.2 are as under.

i. This respondent denied the age, income, avocation and manner of accident caused to the petitioner.

ii. It is also contended that it is entitled to protection under Sections 147 and 149 of the Motor Vehicles Act and that there was non-compliance with Sections 134(c) and 158(6) of the Motor Vehicles Act by the owner of the vehicle and the concerned police authorities. It was also contended that the

interest claimed by the petitioner is excessive. Hence, respondent No.2, therefore, prayed to dismiss the claim petition, in the interest of justice.

5. Learned counsel for respondent No.2 relied on the following judgments:

- i. Bimla Devi and others vs. Himachal Rao Transport Corporation and others reported in 2009 ACJ 1725.*
- ii. Anita Sharma and others vs. New India Assurance Company Limited and another reported in 2021 ACJ 17.*
- iii. Ranjeet and another vs. Abdul Kayam Neb and another 2026 ACJ 239.*
- iv. Janabal and others ICICI Lombard General Insurance Company Limited reported in 2022 ACJ 2003.*
- v. Repaka Rajya Laxmi and others vs. Poldasari Komuraiah and others reported in 2009 ACJ 138.*
- vi. R.D. Hattangadi vs Pest Control (India) Private Limited and others reported in 1995 ACJ 366.*
- vii. Nagappa vs. Gurudayal Singh and others reported in 2003 ACJ 12.*
- viii. Govind Yadav vs. New India Assurance Company Limited reported I 2012 ACJ 28.*
- ix. Kajal vs. Jagdish Chand and others reported in 2020 ACJ 1042.*
- x. K.S.Muralidhar vs. R. Subbulakshmi and another reported in 2024 SCC OnLine SC 3395.*

xi. *Rahul Sharma and another vs. National Insurance Company Limited and others reported in 2021 ACJ 1430.*

xii. *Reliance General Insurance Limited Visakhapatnam vs. Ponga Geetha and others reported in 2024 (5) ALD 679 (AP) (DB).*

xiii. *Ramla and others vs. National Insurance Company Limited and others reported in 2019 ACJ 559.*

6. Basing on the above pleadings, this Tribunal had framed the following issues for trial:

1.	Whether the accident took place to the rash and negligent driving of the Car bearing No. AP-09TB-2393 causing injuries to the petitioner?
2.	Whether the petitioner is entitled to compensation? If so, what extent and against whom?
3.	To what relief?

7. During the course of trial, **PW1 to PW7** are examined and **Exs.A1 to A30** were on behalf of petitioner/claimant. On behalf of respondents, no one was examined. However, **Ex.B1** is marked with consent.

8. Respondent No.2 has filed a petition under Section 170 (B) of MV Act *vide* I.A.No. of 2026 with a prayer to take all or any of the defences that are available to the insured and accordingly the said petition was allowed.

9. Heard arguments from both sides. Written arguments of petitioners and respondent No.2 have been filed, and this Tribunal has given thoughtful consideration to the said written arguments.

10. Issue No.1:

In order to substantiate the case of the petitioner, the petitioner got himself examined as PW1 and filed an affidavit *in lieu* of chief examination as per the pleadings of the claim petition. Since the contents of chief examination of Pw1 are replica of averments made in the claim petition, as such the same is not extracted hereunder in order to avoid repetition of facts. Besides that, the petitioner also relied on documentary evidence marked as Exs.A1 to A29.

11. The cross examination of PW1 by the learned counsel respondent No.2 discloses that PW1 admitted that except Ex.A1, he had not filed any documentary evidence such as salary slips, joining report, service register, wage register or any other proof to establish his employment and income. He further admitted that Ex.A21 was issued on 28.01.2011 and that he had not filed any document to show that he continued in service as on the date of the accident. However, PW1 voluntarily stated that Ex.A-23 - bank statement, reflected salary credits into his account up to the year 2014, and according to him, he was in service as on the date of the accident.

12. PW.1 further admitted that Ex.A22 is resignation letter, which disclosed that he resigned from service on 28.08.2015 and that he was not terminated on medical grounds. He also admitted that though the accident occurred on 21.05.2014, his resignation was accepted only on 04.09.2015, nearly one and half years after the accident. PW.1 further admitted that, as per Ex.A22, he continued in employment as per the office records, though according to him he remained bedridden during the said period. PW1 also admitted that, except Ex.A22, he had not filed any documentary to establish that he resigned on account of medical unfitness.

13. PW1 further admitted that as per the salary slip under Ex.A21, his basic salary was Rs.1,12,500/- per month, but he had not filed TDS certificates or Income Tax Returns. He explained that he was covered under medical reimbursement facilities and had claimed medical expenses from his employer. PW.1 further admitted that Ex.A5 pertains to medical expenses of Rs.86,091/- incurred at Continental Hospital and that the said amount was paid by Medi Assist India Pvt. Ltd. under a group insurance policy. He also admitted that after adjusting the advance payment, the final bill amount was paid by Medi Assist T.P.A. Ltd. However, he denied the suggestion that since the treatment expenses were reimbursed under the Medi Assist policy, he was not entitled to claim the same in the present proceedings.

14. PW.1 denied the suggestion that Ex.A4 discharge summary disclosed that the nose and throat were normal and that there was no bone injury or abnormality, as well as the suggestion that the condition of the patient at the time of discharge was stable. He admitted that under the T.P.A. policy, a sum of Rs.60,411/- was sanctioned as pre-authorisation and that the said amount was also included in Ex.A5. PW.1 further admitted that Exs.A6 to A15 pertain only to outpatient treatment and not inpatient treatment. However, he denied the suggestion that there were no supporting medical prescriptions corresponding to the bills issued by Sai Santosh Medical and General Stores. PW.1 also denied the suggestion that Ex.A4 did not mention any injury to the eye and that the alleged left eye injury was unconnected with the injuries sustained in the accident. He further denied the suggestion that the injuries mentioned in Ex.A4 had healed completely and that he was not suffering from any disability.

15. PW.1 admitted that, Ex.A27 disability certificate was obtained after lapse of more than eight years, i.e., on 14.11.2022. However, he denied the suggestion that despite the disability mentioned in Ex.A27, he was capable of performing his work by sitting, standing, reading and writing as he was doing prior to the accident. He also denied the suggestion that Ex.A27 was obtained only for the purpose of availing Government benefits and not for medico-legal purposes. PW.1 further denied the suggestion that though he had not suffered any disability, he

obtained Ex.A27 showing 83% disability only for the purpose of claiming higher compensation. He admitted that Ex.A27 refers to partial disability capable of recovery within three years. However, he denied the suggestion that since the disability was only partial and curable within three years, he did not suffer any loss of earning capacity. He also denied the suggestion that the treatment and medical bills covered under Exs.A6 to A16 were not connected to the injuries sustained in the accident and that he was not entitled to claim the same.

16. PW1 further admitted that he himself was the complainant in the FIR and that as per the complaint he was proceeding on a motorcycle when the accident occurred at the U-turn near Wipro Circle involving Car bearing No. AP09-TB-2393. He admitted that in the complaint it was stated that the driver of the car, while driving at high speed and without observing the vehicles coming from behind or giving any signal, suddenly took a U-turn, due to which the motorcycle lost control and dashed against the car from behind. However, PW.1 voluntarily stated that at the time of giving the statement he was in a state of shock and semi-consciousness and therefore was not aware of the contents recorded in the FIR. He also admitted that he had not submitted any protest petition against the contents of the FIR. PW1 denied rest of the suggestions.

17. PW2, who is working as Consultant Neuro Physician/Surgeon City Neuro Centre, Banjara Hills, Hyderabad since 10 years deposed

that patient by name Praveen came to their hospital with a history of RTA with hear injury, left peri Temporal Contusion, Right Frontal Sub Dural Hematoma, Left VII Cranial Nerve Palsy as shown in Ex.A4, but he had pursued the previous medical records of Continental hospital for the injuries sustained i.e., 1. Right parietal scalp laceration sutured under local Anesthesai, 2. Wound washed with saline and betadene, suturing down with skin stapler, 3. Grade 3 left Lmn facial palsy, 4. complete eye closure with effort. 5. Nouth debviating to right side, 6. Forehead involved and 7. Left ear shows Heamotympanum and thereafter took treatment in SKS and SVS Neuro hospital, Hyderabad from 14.06.2014 to 2019 under Ex.A7 and A8. PW2 deposed that he had examined the patient and assessed permanent disable due to loss of memory and severe headache with drowsiness and unable to sit before the system, unable to walk freely and he is incapable to work due to loss of memory and shivering. He concurs with the disability of 83% as estimated by the Medial Board, District hospital King Koti, Hyderabad due to weakness of left upper limb, left lower limb, impaired reach and weakness of grip due to head injury and further deposed that he had not issued disability certificate to the petitioner.

18. On careful perusal of the cross-examination of PW2, he admitted that, as per Ex.A4-discharge summary, there is no mention of bone injury and the condition of the patient was stable. PW2 admitted that

he had not issued any disability certificate to the petitioner and that the patient was treated conservatively. He denied the rest of the suggestions

19. The cross examination of PW3 by the learned counsel respondent No.2 discloses that PW3 admitted that, as per Ex.A4, A7 to A11, the condition of the patient at the time of discharge was satisfactory and stable. PW3 further admitted that, Ex.A12 was issued on 06.09.2022 after lapse of more than six years from the date of accident. Pw3 also admitted that the patient can perform his day-to-day activities.

20. The cross examination of PW4 by the learned counsel respondent No.2 shows that PW4 admitted he had not treated the patient in respect of injuries and issued the disability certificate on 14.11.2022 after a lapse of six years from the date of accident and further admitted that as per Ex.A4 and A5, the petitioner was treated in hospital and the condition of petitioner was stable. PW4 admitted that the disability can be reassessed after three years and that there is an endorsement in the disability certificate that it is not meant for medico-legal cases. He further admitted that, as per Ex.A27, the petitioner can perform work by walking, sitting and squatting.

21. The cross examination of PW5 by the learned counsel respondent No.2 shows that PW5 admitted under Ex.A6-Final bill, the petitioner paid only Rs.23,000/- only and the remaining amount was paid by Medi

Assist India Private Limited. A suggestion was made to PW5 that Ex.A6 was created and fabricated for the purpose of the present case.

22. The cross examination of PW6 by the learned counsel respondent No.2 shows that PW6 denied that the medicines purchased on the said medical bills were not related to the injuries sustained in the road traffic accident and that the bills were highly excessive and exorbitant.

23. The cross-examination of PW7 by the learned counsel for respondent No.2 discloses that PW7 admitted that he had not received any summons from the Court and that he was deposing on the request of the petitioner. He further admitted that he had not produced any appointment order, salary slips or payment particulars of the petitioner. PW7 also admitted that he had not produced any document to show that the petitioner was terminated on medical grounds and that the management accepted the resignation letter dated 28.08.2015 submitted by the petitioner on 04.09.2015. PW7 further admitted that the petitioner was not drawing a salary of Rs.4,50,000/- per annum.

24. In the light of the oral and documentary evidence available on record, this Tribunal is of the considered opinion that the petitioner has established that the accident occurred due to the rash and negligent driving of the driver of Car bearing No.AP-09-TB-2393. The evidence of PW1 is corroborated by Ex.A1-FIR and Ex.A2-charge sheet, wherein the police, after detailed investigation, filed charge sheet against the driver

of the offending vehicle. Though respondent No.2 disputed negligence and pleaded contributory negligence on the part of the petitioner, no rebuttal evidence was adduced on behalf of the respondents to substantiate the said plea.

25. In *Ranjeet and another Vs. Abdul Kayam Neb and another in SLP (civil) No.10351/2019*, wherein the Hon'ble Apex Court held that:

"It is settled in Law that once a charge sheet has been filed and the driver has been held negligent; no further evidence is required to prove that the vehicle was being negligently driven in a motor vehicle claim case. Even if the eyewitnesses are not examined, that will not be fatal to prove the death of the deceased due to negligence of the driver of the vehicle."

26. Thus, in view of the foregoing discussion, the material available on record and the decision of Hon'ble Apex Court referred supra, this Tribunal has no hesitation in holding that the petitioner sustained injuries in the accident that occurred on 21.05.2014 due to rash and negligent driving by driver Car bearing No.AP-09-TB-2393 by respondent No.3. Accordingly, issue No.1 is answered in favour of petitioner and against the respondents.

27. Issue No.2:

AGE OF THE INJURED:

28. As per claim petition, the age of the petitioner was mentioned as 35 years. Ex.A2-Certified copy of charge sheet and Ex.A3-Medico legal certificate discloses that the age of petitioner was shown as 36 years.

However, no other cogent evidence is placed to prove the age of petitioner/injured less than 35 years as on the date of accident. Therefore, considering the material available on record, the age of the petitioner is taken as **35 years**, as on the date of accident.

INCOME OF INJURED:

29. The contention of petitioner is that petitioner was working as Software Engineer and he was earning an amount of Rs.50,000/- per month besides other perks as OT, incentives etc., In support of the said contention, he had filed Ex.A23-Bank Statement showing the salary amounts were credited in his bank statement by the company. On careful scrutinize of Ex.A21, Ex.A23, Ex.A29 and cross examination of PW7, it is evident that the petitioner working in the said company pursuant to the appointment letter dated 28.01.2011 i.e., Ex.A21. Though, Pw7 denied that the salary of petitioner as Rs.4,50,000/- per month. As seen from Ex.A23 bank statement it shows that for the month of April 2014 the salary was credited of Rs.46,467/- per month. However, considering the age and circumstances of the present case, this Tribunal deems it appropriate to take the monthly income of the petitioner notionally @ **Rs.46,467/-** per month.

PERMANENT DISABILITY:

30. Coming to cross examination of PW2, he admitted that he did not treat the patient in respect of injuries in RTA, but as per Ex.A4-

Discharge summary there is no specific mention of bone injury. Coming to cross-examination of PW4 and Ex.A27 it shows that he is the member of the Medical Board, District Hospital, King Koti, Hyderabad. He admitted that he had not treated the patient before issuance of disability certificate. On seeing the cross examination of PW4 shows that the disability certificate was issued in the year 2022, but in the present case the accident occurred in the year 2014. As such, the disability certificate was issued after lapse of six years from the date of accident.

31. During the cross examination, PW4 admitted that immediately after the accident the petitioner/patient was not admitted in their hospital. Further, PW4 adds that as per available records he issued the disability certificate. PW4 further deposed that he has been working as Medical Superintendent in the District Hospital for the past three years and that Ex.A27 was issued by the Medical Board consisting of three members. He further admitted that the petitioner approached Medical Board on 14.11.2022 for issuance of disability certificate and that, as per Ex.A27, the petitioner can perform work by walking, sitting, reading and writing.

32. On careful consideration of the chief and cross-examination of PW2, PW3 and PW4 coupled with Ex.A27, it is evident that the disability certificate was issued by a competent Medical Board duly

constituted by the Government. Though PW4 was not the treating doctor and the disability certificate came to be issued after a considerable lapse of time from the date of the accident, the evidence of PW2 to PW4 consistently discloses that the petitioner has been suffering from neurological and physical difficulties consequent to the injuries sustained in the accident.

33. PW4 categorically deposed that the petitioner is suffering from weakness of the left upper limb and left lower limb, impaired reach and weakness of grip, resulting in difficulty in carrying out day-to-day activities. PW4 further opined that the petitioner suffered 83% physical disability.

34. Though the Medical Board assessed the permanent physical disability of the petitioner at 83%, the same cannot be taken as the percentage of loss of earning capacity. Physical disability and functional disability are different and the loss of earning capacity has to be assessed depending upon the nature of work of the injured and the effect of the injuries on his day-to-day work. Mere assessment of higher physical disability does not mean that the injured has lost earning capacity to the same extent.

35. In the present case, the work of the petitioner as a Software Engineer does not completely depend upon physical movement or manual work. Though the injuries suffered by the petitioner would

certainly affect his work and efficiency, the material on record does not show that he has become completely incapable of doing his work. Therefore, considering the nature of avocation, injuries sustained and overall facts and circumstances of the case, this Court deems it appropriate to take the **functional disability at 30%** for the purpose of calculation of compensation.

36. This Court has already assessed the monthly income of the petitioner at **Rs.46,467/- per month**. Since the petitioner was aged about 35 years and employed as a Software Engineer, an addition of **40%** towards future prospects is warranted i.e., (Rs.18,586/-). Accordingly, the monthly income of the petitioner, inclusive of future prospects, comes to **Rs.65,054/-** (Rs.46,467 + 40%). Thus, the annual income of the petitioner is assessed at **Rs.7,80,648/- (65,054/- x 12)**.

37. Taking the functional disability at **30%**, the loss of annual earning capacity comes to Rs.2,34,195/-. Since the age of the petitioner is taken as 35 years, the applicable multiplier would be "16". Accordingly, the loss of future earning capacity is calculated at **Rs.37,47,120/-** (Rs. 2,34,195 x 16), to which the petitioner is entitled.

TRANSPORTATION AND EXTRA NOURISHMENT

38. Admittedly, the accident occurred near Wipro Circle, Nanakramguda and immediately, he was shifted to Continental

Hospital. In this regard, some expenditure was incurred. However, the petitioner has not filed any documentary proof for transportation. Therefore, this Tribunal deems it appropriate to award a sum of **Rs.10,000/- towards transportation**. Further, considering the grievous nature of injuries and prolonged treatment undergone by the petitioner, this Tribunal deems it appropriate to award a sum of **Rs.10,000/- towards extra nourishment**.

MEDICAL EXPENSES

39. The petitioner relied upon Ex.A5-Final Bill of Rs.12,18,008/- issued by Continental Hospital, Hyderabad and Ex.A6-medical bills of Rs.4,08,831/- issued by Continental Hospital, to substantiate the medical expenses incurred by him. The evidence of PW5 establishes that the petitioner paid an amount of Rs.23,000/- towards treatment. The evidence of PW5 further discloses that the petitioner incurred an amount of Rs.23,000/- towards treatment. Considering Ex.A5 and oral evidence of PW5 and in the absence of contra evidence from respondents this Tribunal deems it appropriate to award a sum of **Rs.23,000/- towards medical expenses**.

FUTURE MEDICAL EXPENSES

40. The evidence on record establishes that the petitioner suffered left upper limb, left lower limb, impaired reach, weakness of grip resulting in physical disability. In such cases, there is a reasonable possibility of

future medical requirements. Considering the age of the petitioner and the long-term consequences the requirement of future medical care cannot be ruled out. Therefore, this Tribunal deems it just and reasonable to award a sum of **Rs.30,000/- towards future medical expenses.**

PAIN AND SUFFERING:

41. To establish the injuries sustained, the petitioner relied on Ex.A3 and A4. The evidence of PW2 to PW4 and PW6 coupled with Ex.A3 and A4 that the claim petitioner sustained grievous injury to upper and lower limb, impaired reach, weakness of grip and subsequently underwent during the course of treatment. The evidence of PW6 further discloses that the Medical Board assessed the permanent physical disability at 83%. Considering the grievous nature of injuries, amputation suffered, prolonged pain and physical discomfort, this Tribunal is of the considered opinion of 20% per cent disability that a sum of **Rs.90,000/- would be just and reasonable compensation towards pain and suffering.**

LOSS OF AMENITIES

42. As discussed above, the evidence of PW1 to PW4 and PW6 coupled with Ex.A3-Medico legal record and Ex.A27-disability certificate, it is established that the petitioner suffered **Upper and lower limb, impaired reach, weakness of grip** resulting in permanent

disability. Due to the said injury, he will not be able to lead a normal life and will face difficulty in walking, moving freely, and performing routine personal and social activities. The disability has permanently affected his ability to enjoy normal amenities of life. Therefore, this Tribunal awards a sum of **Rs.40,000/- towards loss of amenities in life.**

Therefore, the petitioner is entitled for compensation under the following heads:

Sl.No.	Particulars	Amount awarded in Rs.
1.	Loss of earnings	Rs.37,47,120/-
2.	Transportation charges	Rs.10,000/-
3.	Extra Nourishment	Rs.10,000/-
4.	Medical expenses	Rs.23,000/-
5.	Pain and Suffering	Rs.90,000/-
6.	Loss of amenities	Rs.40,000/-
7.	Future medical expenses	Rs.30,000/-
	TOTAL	Rs.39,50,120/-
	Rounded off	Rs.39,51,000/-

43. Further, injured is a third party to the said policy and covered therein. There is no proof of any violation of terms of policy. Further, there is no proof of driving license violation. Since it is held that the accident was caused by rash and negligent driving of offending vehicle by its driver, which vehicle is owned by respondent No.1 and respondent No.2 being insurer and respondent No.3 being driver of crime vehicle are jointly and severally liable to pay compensation to the petitioners.

44. Having regard to the facts and circumstances of the case, this Tribunal deems it appropriate to award interest on the compensation at 9% per annum from the date of petition till realization. Issue No.2 answered accordingly.

Issue No.3:-

45. In view of finding on Issue Nos.1 and 2, this Tribunal holds that the petitioner is entitled for compensation against respondents. Accordingly, Issue No.3 is answered accordingly.

46. In the result-

- i.** The petition is allowed-in-part with proportionate costs, directing respondents No.1 to 3 jointly and severally to pay the petitioner a sum of Rs.39,51,000/- (Rupees Thirty Nine Lakhs Fifty One Thousand only) towards compensation with interest @

9% per annum from the date of filing of claim petition till the date of realization.

ii. The respondent No.2-Insurance Company is directed to deposit the award amount within a period of two (02) months from the date of this award, failing which the petitioner is entitled to recovery the same by following due process of law.

iii. Upon such deposit, the petitioner is permitted to withdraw the entire amount in accordance with law.

iv. The petitioner is directed to pay the deficit Court fee, if any, on the enhanced compensation amount awarded.

v. Advocate's fee is fixed at Rs.3,000/-.

Typed to my dictation, corrected and pronounced by me in the open Court on this the **21st** day of **May, 2026**.

Sd/-

Chairman
Motor Accidents Claims Tribunal- Cum
XXVI Additional Chief Judge
City Civil Court, Hyderabad

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PETITIONERS:

PW1:	P. Praveen
PW2:	Dr. Rathna Kishore Ch.
PW3:	Dr. Praneeth
PW4:	Dr. G. Rajendranath

FOR RESPONDENTS:

RW1:	P. Ayyappa Kumar

PW5	C. Nagarathnam
PW6:	Rajshekar
PW7:	K. Mithun

DOCUMENTS MARKED ON BEHALF OF PETITIONERS

Ex.A1:	C.C. of F.I.R along with complaint.
Ex.A2:	C.C. of Charge sheet.
Ex.A3:	CC of Medico-Legal Certificate dt.21.05.2014 issued by Continental Hospital, Gachibowli, Hyderabad.
Ex.A4:	Discharge summary for the treatment from 21.5.2014 to 26.5.2014 issued by Continental Hospital, Gachibowli, Hyderabad.
Ex.A5:	Bunch inpatient final bills (37 in No.) for a sum of 2.1,18,008/-.
Ex.A6:	Bunch of Medical Bills (27 in No.) for a sum of 2.4,08,831/-.
Ex.A7:	Outpatient Medical Prescriptions (4 in No) issued by SKS Neuro Polytrauma Hospital, Kachiguda, Hyderabad.
Ex.A8:	Outpatient Medical Prescriptions (9 in No) issued by SVS Institute of Neurosciences, Kachiguda, Hyderabad.
Ex.A9:	Outpatient Medical Prescriptions (8 in No) issued by Nivedita Orthopedic Centre, RTC "X" Roads, Hyderabad.
Ex.A10:	Outpatient Follow up Note (7 in No) issued by Continental Hospitals, Gachibowli, Hyderabad.
Ex.A11:	Outpatient Medical Prescriptions (4 in No) issued by Citi Neuro Centre, Banjara Hills, Hyderabad.
Ex.A12:	Medical Case Sheet dt.30.08.2022 issued by Neo Vision Eye Care & Laser Centre, Habsiguda, Hyderabad.
Ex.A13:	Outpatient cards issued by Govt. ENT Hospital, Hyderabad.
Ex.A14:	Outpatient Medical Record issued by Care Hospital, Musheerabad, Hyderabad.
Ex.A15:	Outpatient Medical Record issued by Dr. JMK Murthy, Neurologist, Care Hospital, Banjara Hills, Hyderabad.
Ex.A16:	Bunch of Diagnostic reports
Ex.A17:	Pass Certificate cum Memorandum of Marks issued by Board

	of Intermediate Education, AP, Hyderabad.
Ex.A18:	Bachelor of Commerce Degree Certificate issued by Osmania University, Hyderabad.
Ex.A19:	Bunch of Mark Sheet (MBA) for the Semester-I to IV issued by Allahabad Agricultural Institute Deemed University.
Ex.A20:	Course Completion Certificate for the course of MBA during the period 2003-2005 issued by Allahabad Agricultural Institute University. Deemed
Ex.A21:	Appointment Letter dt.28.1.2011 as Associate Consultant in T120 grade issued by Polaris offering salary of 2.4,50,000/- per annum.
Ex.A22:	Acceptance of Resignation dt.04.09.2015.
Ex.A23:	Bunch of Bank Statement showing the credit of salary into the bank account for the period from 01.01.2014 to 31.12.2014.
Ex.A24:	Medical Certificate dt. 17.09.2021 issued by Continental Hospitals, Hyderabad stating the severity of the injuries.
Ex.A25:	Medical Certificate dt.02.09.2022 issued by Citi Neuro Centre, Banjara Hills, Hyderabad stating the severity of the injuries.
Ex.A26:	Medical Certificate dt.06.09.2022 issued by Neo Vision Eye Care & Laser Centre, Habsiguda, Hyderabad stating the severity of the injuries of signs of left eyes.
Ex.A27:	Certificate for Person with Disability dt. 14.11.2022 issued by Medical Board, District Hospital, King Koti, Hyderabad assessing the disability at 83% permanent in nature.
Ex.A28:	Bunch of X-ray reports.

DOCUMENTS MARKED THROUGH PW7

Ex.A29:	Copy of service certificate issued by Polaris Consulting and Services Limited dt.08.09.2015.
Ex.A30:	Resignation acceptance certificate, dt.08.09.2015.

DOCUMENTS MARKED FOR RESPONDENT NO.2

Ex.B1:	Copy Insurance policy.
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Sd/-

Chairman

**Motor Accidents Claims Tribunal – Cum-
XXVI Additional Chief Judge
City Civil Court, Hyderabad**