

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

**TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

M.A.C.M.A.No: 3857 OF 2011

Appeal under Section 173 of Motor Vehicles Act against the order and decree in M.V.O.P.No.220 of 2001 dated 17-03-2005 on the file of the Court of the Chairman Motor Accident Claims Tribunal-cum-III Additional District & Sessions Judge, (FTC-III) Khammam.

Between:

Muchu Hanumantha Rao, S/o. Thirupathaiah

...Appellants

AND

1. Lingala Sathaiah, S/o. Muthaiah
2. Mohd. Rafeeq, S/o. Babu Miya,
3. United India Insurance Company Limited Branch Office, Near New Bus Stand, Sanga Reddy, Medak District.
4. Palacherla Srinivas, S/o. Pattabhi Ramaiah,
5. The Oriental Insurance Company Limited, Branch Manager, Rajahmundry.

...Respondents

Counsel for the Appellant: Sri R. Nageswara Rao

Counsel for the Respondent No.3: Sri V. Srinivas Rao

The Court delivered the following: JUDGMENT

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

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

MACMA.No.3857 of 2011

DATED: 06th JANUARY, 2026

Between:

Muchu Hanumantha Rao

... Appellant - Petitioner

And

1.Lingala Sathaiah and others

... Respondents - Respondents

JUDGMENT

1. This memorandum of Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'MV Act') assailing the award passed by the learned Motor Accidents Claims Tribunal (III Additional District Judge :: Fast Track Court), Khammam (for short 'the Tribunal') in M.A.T.O.P.No.220 of 2001 dated 17.03.2005.

2. Appellant is the petitioner and respondents are the respondents before the Tribunal.

3. Appellant – petitioner has filed petition under Section 166 of the MV Act for grant of compensation of Rs.1,00,000/- with interest at the rate of 12% per annum from the date of accident till realization for the injuries sustained by him in the motor accident.

4. It is stated in the claim petition that on 11.04.1999 the appellant - petitioner along with other fruit vendors was going to Jangareddygudem market to purchase fruits, while he was waiting at Wyra bus stand centre a lorry bearing No.AP-5X-2401 driven by its driver stopped at Wyra bus stand centre and the driver of the lorry informed him that he is going towards Jangareddygudema and asked the appellant - petitioner and other fruit vendors to board lorry by paying Rs.40/- each towards fair. On the request of the lorry driver, the appellant - petitioner and his co-fruit vendors boarded the lorry. When the lorry reached near culvert at the outskirts of Kistaram village, another lorry bearing No.ADT-4118 driven by its driver in a rash and negligent manner at high speed and dashed against the lorry in which the appellant - petitioner and others were travelling. The driver of the lorry bearing No. AP-5-X-2401 died on the spot. The appellant - petitioner and other fruit vendors sustained grievous injuries all over the body. Appellant - petitioner was shifted to Government Hospital, Sathupally and he received grievous injuries i.e., (i) fracture to right cheek bone, (ii) Facio Maxillary injuries, (iii) Fracture to Zygomatic lateral wall orbit, (iv) Greivous injury to the right eye, effecting the vision injury to chin, (v) Injury to Mouth and multiple injuries all over the body. Appellant - petitioner was taken to Government Headquarters Hospital, Khammam and thereafter he was referred to NIMS

Hyderabad, where he was admitted as inpatient, treated for 20 days and two major surgeries were performed and he had spent an amount of Rs.25,000/- towards medical expenses, transportation and extra nourishment. Bone grafting was done to the fracture of Fatio Maxillary bone by taking bone from ribs. The appellant - petitioner was unable to open his right eye for two months and was also unable to open his mouth for a period of three months and he remained on a liquid diet. The appellant - petitioner was aged about 28 years as on the date of accident i.e., 11.04.1999 and was earning Rs.2,500/- by doing fruit vendor business and prayed to allow the O.P. as prayed for.

5.1 Respondent Nos.1, 2 and 4 remained ex-parte before the Tribunal.

5.2 Respondent No.3 filed written statement and contended that there is no fault on the part of the driver of the lorry bearing No.ADT-4118. Further denied the manner in which the accident has taken place, denied the age and income of the appellant - petitioner. The driver of the lorry bearing No.AP-5X-2401 is responsible for the accident, he drove his lorry in a rash and negligent manner. respondent No.3 is not liable to pay compensation and the claim made is excessive and prayed to dismiss the O.P.

5.3 Respondent No.5 has also filed similar counter with that of respondent No.3.

6. The learned Tribunal has framed the following issues:

1. Whether the accident took place due to rash and negligent driving of the driver of the vehicle (R-1)?
2. Whether the petitioner is entitled to any compensation. If so, to what amount and from which of the respondents?
3. To what relief?

7. The learned Tribunal has passed a common order in MATOP.No.218 of 2001, MATOP.No.220 of 2001 and MATOP.No.226 of 2001, dated 17.03.2005.

8. Appellant - petitioner is examined as PW2, examined Dr.K.A.Rama Krishna as PW4 and got marked Exs.A14 to A22. Respondent Nos.3 and 5 did not led any evidence but got marked Exs.B1 to B3.

9. The learned Tribunal after going though the evidence adduced by the appellant - petitioner coupled with the exhibits marked thereon has partly allowed the O.P., by awarding an amount of Rs.53,078/- with interest at the rate of 9% per annum from the date of filing petition i.e., 01.03.2001 till realization holding that respondent Nos.1 to 3 are jointly and severally liable to pay the amount.

10. Learned counsel for the appellant – petitioner submits that the learned Tribunal ought to have awarded Rs.1,00,000/- towards compensation with interest at the rate of 24% per annum from the date of petition till the date of realization as claimed, also failed to note that the appellant – petitioner has sustained grievous injuries and permanently disabled and ought to have believed the evidence of PW4 in its entirety. The learned Tribunal having found that the appellant – petitioner has sustained grievous head injuries, erred in awarding Rs.30,000/-. The learned Tribunal ought to have awarded Rs.50,000/- towards pain and suffering, Rs.50,000/- towards loss of income, Rs.50,000/- towards medical expenses and prayed to award just compensation.

11. Learned counsel for the appellant submits that the respondent Nos.1, 2 and 4 remained ex-parte before the Tribunal hence they are not necessary parties to the appeal.

12. Learned counsel for respondent No.3 submits that the learned Tribunal has properly appreciated the facts of the case and awarded just compensation, no interference is call for and prayed to dismiss the appeal.

13. Learned counsel for the respondent No.5 submits that respondent No.5 is exonerated from the claim as the O.P. is dismissed against them.

14. Learned counsel for the appellant – petitioner has filed calculation memo.

15. Heard learned counsel on record and perused the material.

16. Now the points for consideration are:

- (i) Whether the award passed by the learned Tribunal is just and proper, if so?
- (ii) Whether the award passed by the learned Tribunal in M.A.T.O.P.No.220 of 2001 dated 17.03.2005 suffers from any perversity or illegality, if so, does it require interference of this Court?

Point Nos.1 and 2:

17. Appellant has challenged the quantum in the appeal.

18. The learned Tribunal after going through the evidence of the appellant – petitioner coupled with the evidence of PW4 arrived that the appellant – petitioner has sustained two grievous injuries and awarded Rs.30,000/- i.e., Rs.15,000/- for each grievous injury, awarded Rs.22,813/- towards medical expenses and awarded Rs.265/- towards transportation charges. In total the award passed by the Tribunal is Rs.53,078/-.

19. PW4 - Dr.K.A.Rama Krishna, deposed that appellant - petitioner was admitted in NIMS hospital on 12.04.1999 as inpatient with the following injuries: (i) Facio maxillary injury and

(ii) comminuted fracture of zygomatic lateral wall orbit with enophthalmos. He deposed that appellant - petitioner was in the hospital till 30.04.1999, he was operated on 23.04.1999, a costal bone graft lateral wall was done by obtaining bone from rib cage right, split rib graft was done to the floor of orbit and augmentation of anterior wall with split rib graft. The fracture of zygoma and lateral wall of orbit was fixed with S.S.wire. The CT scan of brain was already taken at Khammam showing the above injuries. Ex.A17 is the discharge summary, Ex.A18 are the bunch of prescriptions (12 in number), Ex.A19 are the bunch of cash receipts (27 in number) for Rs.22,813/- and Ex.A22 are the X-ray films. All the injuries are grievous in nature.

20. Learned counsel for respondent No.3 has harped upon Ex.B2 - C.C. of medical certificate of the appellant - petitioner and contended that the appellant - petitioner has received three simple injuries. The learned Tribunal taking into consideration the evidence of PW4 coupled with Ex.A14 - CT scan report of the appellant - petitioner and Ex.A17 discharge summary arrived that the appellant - petitioner has received two grievous injuries as there is sufficient evidence to that effect.

21. The evidence of PW4 clearly shows that the appellant - petitioner was operated on 23.04.1999 which is evident from

Ex.A17 - discharge summary. Hence this Court arrives at a conclusion that the appellant - petitioner has received two grievous injuries in view of the evidence of PW4.

22. The appellant - petitioner stated in the claim petition that he is a fruit vendor, earning Rs.2,500/- per month and was aged about 28 years as on the date of accident. The loss of earning is taken for three months at the rate of Rs.2,500/- per month. The learned Tribunal has not awarded any amount towards pain and suffering, attendant charges, extra nourishment charges and for removal of implants. Hence, this Court is of the view that the appellant - petitioner is entitled for compensation under the above said heads.

23. The calculation arrived by this Court is as under:

Sl.No.	Name of the Head	Compensation awarded by this Court
1.	Loss of income for a period of three months (Rs.2,500/- per month)	Rs.7,500/- (2,500 x 3)
2.	Two grievous injuries (Rs.20,000/- to each injury)	Rs.40,000/- (20,000 x 2)
3.	Pain and suffering	Rs.20,000/-
4.	Medical expenses	Rs.28,813/-
5.	Transportation charges	Rs.5,000/-
6.	Attendant charges	Rs.10,000/-
7.	Extra nourishment	Rs.5,000/-
8.	Removal of implants	Rs.5,000/-

	Total	Rs.1,21,313/- Rounded off to Rs.1,21,320/-
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Points are answered accordingly.

24. In the result, MACMA.No.3857 of 2011 is allowed and the compensation awarded by the Tribunal is enhanced as under:

- a) The impugned award dated 17.03.2005 passed in M.A.T.O.P.No.220 of 2001, stands modified.
- b) The compensation awarded by the Tribunal i.e., Rs.53,078/- is enhanced to Rs.1,21,320/- together with interest at the rate of 9% per annum from the date of filing the petition till payment.
- c) Appellant – petitioner is directed to pay Court fee on the enhanced amount.
- d) The respondent Nos.1 to 3 are hereby directed to deposit the awarded amount jointly and severally with interest and costs less the amount already paid if any within a period of 60 days from the date of receipt of a copy of this judgment.
- e) Appellant – petitioner is permitted to withdraw entire amount with costs and interest thereon without furnishing security.

As a sequel miscellaneous application/s pending if any shall stand closed. No costs.

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Sd/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman Motor Accident Claims Tribunal-cum-III Additional District & Sessions Judge, (FTC-III) Khammam.
2. One CC to Sri R. Nageswara Rao, Advocate [OPUC]
3. One CC to Sri V. Srinivas Rao, Advocate [OPUC]
4. Two CD Copies

AS/kam

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HIGH COURT

DATED: 06/01/2026

JUDGMENT+DECREE

MACMA.No.3857 of 2011



ALLOWING THE MACMA

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23/3/26

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

**TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

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...Respondents

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This appeal coming on for hearing and upon perusing the grounds of appeal, the judgment and Decree of the Tribunal and the material papers in the case and upon hearing the argument of Sri R. Nageswara Rao, Advocate for the Appellant and Sri V. Srinivas Rao, Advocate for Respondent No.3.

This Court doth Order and Decree as follows:

1. That the MACMA be and hereby is allowed and the compensation awarded by the Tribunal is enhanced;
2. That the impugned award dated 17-03-2005 passed in M.A.T.O.P.No.220 of 2001 stands modified;
3. That the compensation awarded by the Tribunal i.e., Rs.53,078/- be and hereby is enhanced to Rs.1,21,320/- together with interest @ 9% per annum from the date of filing the petition till payment;

4. That the Appellant-Petitioner is be and hereby directed to pay court fee on the enhanced amount;
5. That the respondent Nos.1 to 3 are hereby directed to deposit the awarded amount jointly and severally with interest and costs less the amount already paid if any within a period of 60 days from the date of receipt of a copy of this Judgment;
6. That the appellant-Petitioner is be and hereby permitted to withdraw entire amount with costs and interest thereon without furnishing security;
7. That save as aforesaid, the decree of the Tribunal shall stands confirmed in all other respects; and
8. That there shall be no order as to costs in this appeal.

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**Sd/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Chairman Motor Accident Claims Tribunal-cum-III Additional District & Sessions Judge, (FTC-III) Khammam.
2. Two CD Copies

AS/kam



HIGH COURT

DATED: 06/01/2026

DECREE

MACMA.No.3857 of 2011

ALLOWING THE MACMA

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