

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6808 OF 2017  
(Arising out of SLP (C) No. 7066 of 2017)

PORANDLA SRINIVAS

... Appellant

VERSUS

NAKKA RAVINDER AND ANR.

... Respondents

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties finally.

The instant matter is filed against order dated 18.07.2014 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in Civil Miscellaneous Appeal No. 3909 of 2004 partly allowing the appeal of the appellant enhancing the compensation awarded by the Motor Accident Claims Tribunal (hereinafter referred to as 'Tribunal') by Rs.5,000/-.

The brief facts involved in the instant case are that on 28.01.2001, the appellant, who was driving Hero Honda motor cycle bearing No. AP-15-E-9924, was proceeding towards Nandagiri along with his sister. It is alleged that when they reached the outskirts of Boinpalli, a jeep bearing No.

GRP-4511, driven by the first respondent, came in a rash and negligent manner with high speed and dashed into the Hero Honda motor cycle. The appellant sustained fractures in his neck and femur left leg and sustained injuries all over the body. The wife of the appellant lodged a complaint. Immediately, the appellant was shifted to hospital for treatment. He was in the hospital for a period of 13 days and he spent an amount of Rs.83,000/- for treatment and medicines. The appellant also took treatment in Ortho Care Hospital, Karimnagar under Dr. I. Sreehar Rao and Dr.I.Praveen Rao, from 08.05.2003 to 14.05.2003. He took treatment as an outpatient for a long period. As per the advice of the doctors, he requires left hip replacement operation, which require Rs.1,75,000/- for surgery. The appellant was in bed for a period of 12 months. The appellant sustained 40 per cent disability to his left leg. There is shortening of 1½ inch of the left leg. It is alleged that the accident occurred due to the rash and negligent driving of the first respondent and the vehicle was insured under second respondent.

The Tribunal held that the accident occurred due to the rash and negligent driving of the driver of the lorry bearing GRP-4511 and awarded compensation of Rs.1,37,500/- along with interest at 9% p.a. to the appellant against both the respondents.

The High Court, partly allowing the appeal of the appellant enhanced the amount awarded by the Tribunal from Rs.1,37,500/- to Rs.1,42,500/-.

It may be noted that compensation has been granted under some heads and the appellant is asking enhancement of the compensation which can be demonstrated by way of following table:

	Claim Amount	Tribunal Award	Enhancement sought in this Court
Permanent Disability	3 lakhs	25,000/-	3 lakhs
Future Medical Expenses	1.75 lakhs	Nil	3 lakhs
Pain and Suffering	1.50 lakhs	25,000/-	1.50 lakhs
Loss of Earning	31,000/-	21,000/-	2,35,824/-
Mental Agony	35,000/-	Nil	35,000/-
Medical Expenses	83,000/-	36,450/-	NA
Medicines	Not available	20,000/-	NA
Transportation Expenses	Not available	10,000/-	NA

After hearing learned counsel for the parties, we are of the opinion that the compensation on account of pains and suffering which is granted at Rs. 25,000/- is too meagre an amount, which we increase to Rs.1 lakh. We have also gone through the testimony of doctor (PW-2) who has stated that the appellant would be needing hip replacement which requires an expenditure of Rs.1.70 lakhs, including medicines. Nothing has been awarded on this count. We also award a sum of Rs.1.70 lakhs under the head of future medical expenses. We also grant a sum of Rs.1 lakh on account of loss of earning. Total compensation payable shall be calculated and

paid within a period of one month.

The appeal stands disposed of accordingly.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ ASHOK BHUSHAN ]

New Delhi;  
May 03, 2017.

ITEM NO.19

COURT NO.8

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 7066/2017

(Arising out of impugned final judgment and order dated 18/07/2014 in CMA No. 3909/2004 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh)

PORANDLA SRINIVAS

Petitioner(s)

VERSUS

NAKKA RAVINDER AND ANR.

Respondent(s)

(With appln. (s) for c/delay in filing SLP, c/delay in refiling SLP, permission to file additional documents, interim relief and office report)

Date : 03/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Sumanth Nookala, Adv.

For Respondent(s)

Mr. Rohit K. Sinha, Adv.  
Mr. Sanjay Kumar Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeal stands disposed of in terms of the signed order.

(Nidhi Ahuja)  
Court Master

(Mala Kumari Sharma)  
Court Master

[Signed order is placed on the file.]