

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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M.A.C.M.A.No.1832 of 2005

Between:

United India Insurance Co.Ltd.,
Rep.by Divisional Manager,
Masab Tank, Hyderabad.

....Appellant

and

Boiker Kaloji and another.

....Respondents

JUDGMENT PRONOUNCED ON : 25.11.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1832 of 2005

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JUDGMENT:

This appeal is preferred by the insurance company, which was the second respondent in O.P.No.14 of 1999 on the file of the Motor Accident Claims Tribunal, Nizamabad.

The said petition was filed by the injured, who sustained injuries in a motor accident that occurred on 12.01.1998. The Tribunal, on evidence, held that the accident occurred due to rash and negligent driving of the lorry bearing No.ATK 7229 by its driver. With regard to the compensation, the claimant claimed Rs.2,00,000/-. In support of his case for compensation, the claimant was examined as P.W.1 and the doctor was examined as P.W.2 on commission. The claimant was admitted in Government Head Quarters Hospital, Nizamabad, on 12.01.1998 and discharged on 15.01.1998 and then referred to Gandhi Hospital, Hyderabad. P.W.2 stated that the claimant was admitted in Pragathi Hospital, Nizamabad, on 15.01.1998 and surgery was performed on him. According to him, the claimant suffered 50% permanent partial disability. The Tribunal noticed that, as per Ex.A3 – injury certificate, issued by the Civil Assistant Surgeon, Government Head Quarters Hospital, Nizamabad, the following injuries were sustained by the claimant:

“(1) Abrasion measuring 1 cm X ½ cm on right-arm, which is simple in nature and 2) Pain tenderness diformity of right arm, fracture of lower ½ of right Humorous.”

Ultimately, the Tribunal awarded an amount of Rs.1,45,000/- on all heads by observing as follows:

“Therefore, in view of the above discussion, taking into consideration the nature of fractures sustained by the petitioner on his vital part i.e., right hand-arm, which is evident from Exs.A3 to A6 and also sustaining 50% permanent partial disability, and considering the unbearable pain and sufferings underwent by the petitioner, considerable spent towards medicines as evident from Exs.A8 to A30 i.e., medical bills, and also considering the amount spent by the petitioner towards conveyance charges and for extra nourishment during the period of undergoing treatment, and to meet the ends of justice, I am granting a sum of Rs.1,45,000/- as compensation to the petitioner under all heads, against the respondents.”

Challenging the award of the said amount without giving details of the award under various heads, the present appeal is filed by the insurance company on the sole ground that no details of the amount awarded were given.

When the claimant sustained 50% permanent partial disability, if multiplier method is applied, the claimant would have definitely got a higher amount of compensation in view of the nature of the injuries sustained by him. The Tribunal, whose order is extracted above, opined that it was awarding the said amount on all heads and it has to be assumed that the amount awarded was a just compensation for the injuries sustained by the claimant. Merely because the Tribunal has not given the details of the lump sum amount awarded, it cannot be held that the award of the Tribunal is wrong.

In the circumstances, I do not see any ground to interfere with the award, and the appeal is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

25.11.2015

vs

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