

SMT JUSTICE T. RAJANI

MACMA.No.761 of 2006

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the Principal District Judge, Kurnool in MV.O.P.No.1033 of 2000 dated 26.10.2005 on the ground that the Court below did not consider the fact that the petitioner met with an accident while he was on duty and spent about Rs.1,50,000/- for his treatment, it also failed to consider that the actual claim is Rs.7,00,000/- and that same was restricted to Rs.5,00,000/-; the Court below ought to have awarded Rs.5,00,000/- towards medical expenses.

Heard both the learned counsel.

At the hearing, the learned counsel for the appellant contends that the Court below did not award any amount towards loss of future income on account of disability of 20% sustained by him, though it was proved by the evidence of PW.3 who is the Doctor who had treated him.

A perusal of the judgment of the Court below shows that in spite of observing that there is no reason to disbelieve the evidence of PW.3 with regard to shortening of left leg by one inch, he did not award any amount towards loss of future income

because he considered that the evidence with regard to the disability affecting his work as site Engineer was not satisfactory.

Hence, the question that has to be decided by this Court is whether without there being satisfactory evidence with regard to disability affecting the work of the claimant, any award can be made towards the loss of future income.

The designation of the claimant is as site Engineer. The nomenclature itself implies that he would be required to make visits of sites at his work which would involve considerable amount of walking. Hence, efficiency of claimant would get affected because of the said disability. Hence, it would be just to accept the disability as stated by PW.3 which is 20%. The undisputed income of the claimant as observed by the Court below is Rs.3,000/- per month. As there is no argument with regard to the said income, the same is taken as the income of the claimant and 20% disability would reduce the said income by Rs.600/- per month and Rs.72,00/- per annum. The age of the claimant is stated to be 26 years and the multiplier suitable for his age as per **Sarla Verma & Others v. Delhi Transport Corporation and another**¹ is '17'. Then Rs.1,22,400/- (Rs.7,200/- X 17) would be the loss of future income to the petitioner. Hence, the award of the Court below stands enhanced by Rs.1,22,400/- and thereby

¹ (2009) 6 Supreme Court Cases 121

the total award stands to be Rs.2,59,950/- This award shall relate back to the date of the decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the order of the Court below.

In the result, the appeal is allowed in part with proportionate costs.

Pending miscellaneous petitions, if any, shall stand closed.

21st JULY, 2017.

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SMT. T. RAJANI, J

