

SMT JUSTICE T. RAJANI

MACMA.No.2363 of 2013

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the III Additional Chief Judge, Hyderabad in OP.No.342 of 2005 dated 17.07.2007 on the ground that the Court below did not award adequate compensation.

2. Heard both the counsel.

3. Counsel for the appellant contends that the amount awarded by the Court below is not adequate.

4. The Court below took up the discussion on the aspect of injuries under issue No.2. Ex.A4, discharged card was considered and it was observed that it did not indicate any external and internal injuries on the body of the claimant. The fracture of right temporal bone was noted as diagnosed and Ex.A3, the MLC from the Civil Hospital, Nandigama, showed that there is lacerated wound of right temporal bone and the admission card from Gandhi Medical College, Hyderabad, is marked as Ex.A5, which did not indicate any injury. The Court below also noted that no concerned doctor was examined and the Commissioner, appointed to record the evidence of the doctor, returned the warrant on the ground that there was no cooperation from the claimant.

5. With all the above lapses, observed by the Court below, the Court below was gracious enough to award more than adequate compensation. Rs.40,000/- was awarded towards head injury (fracture)

part from awarding Rs.10,000/- towards pain and suffering, which is not warranted, as, it is only the consequential grievances of the injury that would be compensated, hence, it can be taken that Rs.50,000/- was awarded towards head injury, which is more than adequate. Having observed that the claimant did not prove the medical bills, the Court below awarded Rs.10,000/- towards medical expenses. In spite of there being no evidence with regard to any disability sustained by the claimant, the Court below awarded Rs.5,000/- towards loss of amenities. So also with regard to the amount awarded towards nutritious food, transport and assistance. There is absolutely no evidence let in by the claimant with regard to the said head but the Court below took care of all the probable expenditure that would be incurred by the claimant. Hence, absolutely there does not seem to be any reason to interfere with the judgment of the Court below.

The civil miscellaneous appeal is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

September 4, 2017
DSK

T. RAJANI, J