

HONOURABLE SMT JUSTICE T. RAJANI

M.A.C.M.A. No.1001 of 2008

JUDGMENT:

1. This appeal is preferred by the appellant, who is claimant before the Court below, assailing the order dated 11.12.2007 in O.P.No.114 of 2006 on the file of the Additional District Judge, Hindupur, on the ground that the compensation awarded by the Court below is inadequate.

2. Heard the learned Counsel for the appellant. The learned Counsel for the respondents did not appear.

3. The learned Counsel for the appellant contends that the Court below took notional income of the appellant and arrived at the loss of future income.

4. This Court does not find any error in the said approach of the Court below. The appellant is stated to be a student aged about 15 years. When there is no evidence with regard to the academic performance, except adopting the notional income, there is no other method by which the compensation can be arrived at. However, the Court below did not award the medical expenditure under Ex.A6, which is to an extent of Rs.50,000/- by considering that the medical bills were not supported by prescriptions. In my considered opinion even if there are no supportive medical prescriptions, when the medical bills are not assailed by the respondents on the ground that they do not pertain to the treatment of the injuries sustained by the claimant in the accident, the same need not be doubted. Hence, the remaining amount of Rs.48,000/- under Ex.A6 is awarded under the head of medical expenditure.

5. The learned Counsel for the appellant contends that no amount was awarded towards transportation expenditure though the appellant travelled to Bangalore from Hindupur for taking treatment. Considering the same, Rs.10,000/- is awarded under the head of transportation expenditure.

6. The award of the Court below is modified to the extent indicated above. Rest of the award of the Tribunal is left uninterfered.

7. The appeal is accordingly partly allowed with proportionate costs. The award shall relate back to the date of decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the award of the Tribunal. Pending miscellaneous petitions, if any, in this appeal shall stand closed in consequence.

Date: 9th October, 2017
Nn

JUSTICE T. RAJANI

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