

SMT. JUSTICE T.RAJANI

MACMA. No.394 of 2006

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the IV Additional District Judge, Nizamabad passed in O.P. No.2000 of 2001 on 02.08.2005 on the grounds that the Court below ought to have granted Rs.3,00,000/- instead of Rs.65,000/- and it should have accepted the disability as stated by the Doctor, which is 25%.

Heard the learned counsel for the appellant. There is no representation for the respondents.

A perusal of the judgment of the Court below would show that the claim of the claimant was adequately met with. The injuries sustained by the claimant are three, one being a fracture and other being simple injuries in the form of abrasions. The Court below granted Rs.15,000/- towards pain and suffering apart from awarding Rs.5,000/- towards injury. The injury as such does not call for any compensation and it is only the resulting loss and pain and suffering caused by the injury that needs to be compensated. Hence, in this case, the award made towards grievous injury and the pain and suffering caused by the injury can be said to be more than adequate. Rs.2,000/- was granted for two simple injuries, which also is adequate. Though the claimant claimed Rs.1,50,000/- towards medical expenses, the Court below granted Rs.30,000/- towards medical expenses holding that the claimant did not file any documents to show that he spent Rs.1,50,000/- towards medical expenses. When there is no contra submission to the above finding, there cannot be any grievance with regard to the award made towards medical expenses. Another Rs.10,000/- was also awarded towards loss of estate.

As can be seen from the record the treatment of the claimant is only conservative and there is no disability that is likely to ensue. In the light of the above facts, the evidence of P.W.2 was rightly disbelieved. The evidence of P.W.2, with regard to the shortening of the leg, does not inspire confidence in the light of the medical record filed by the claimant. No reasons can be gathered from the medical record, for the said shortening of leg. P.W.2 does not explain as to why, in spite of the treatment being conservative, there had to be shortening of leg. Rs.3,000/- was also awarded for transportation expenses. Every possible loss and expenses were taken care of by the Court below and a total compensation of Rs.65,000/- was awarded, for which absolutely there cannot be any grievance.

In that view of the matter, this appeal is liable to be dismissed and is accordingly dismissed. There shall not be any order as to costs.

Date: 14.07.2017
LSK

JUSTICE T.RAJANI

