

SMT JUSTICE T. RAJANI

MACMA.No.2481 of 2006

JUDGMENT:

This appeal is preferred by the claimant dissatisfied with the award passed by the X Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad in OP.No.2722 of 2003 dated 20.04.2006.

2. The grounds on which the appeal is preferred are that the Court below failed to consider the income of the claimant and Ex.A10, which is the identity proof and erred in considering the notional income of the claimant. The Court below also did not award appropriate amounts under other heads viz. loss of earning, transportation etc. and the interest granted is also on the lower side.

3. At the hearing, counsel for the appellant is present but the counsel for the respondent is not present.

4. The submissions of the counsel for the appellant do not persuade this Court to interfere with the judgment of the Court below except for the compensation awarded for the loss of income during the period of treatment and rest.

5. The Court below took the income of the claimant as Rs.1,250/- per month. The Court below did not consider Ex.A10, which is the identity card as no one was examined to testify to the avocation and income of the claimant. However, the claim of the claimant that he was earning Rs.3,000/- per month is not on the higher side and is very reasonable. Hence, Rs.3,000/- can be conveniently taken as the

monthly income of the claimant. Therefore, Rs.2,500/-, which is the amount granted under the head loss of income for two months, is enhanced to Rs.3,000 x 2 = Rs.6,000/-. The Court below awarded Rs.12,500/- towards fracture injury and Rs.2,500/- towards pain and suffering by considering that the claimant sustained fracture mandible, which does not call for any interference, the same being adequate. The Court below rightly declined to award any amount under the head medical expenditure as no medical bills in support of the claim of Rs.20,000/- towards medical expenditure are filed.

In the result, the civil miscellaneous appeal is allowed in part by enhancing the compensation under the head loss of income from Rs.2,500/- to Rs.6,000/-. The amounts awarded under other heads shall remain unaltered. This award shall relate back to the date of decree and the enhanced compensation amount shall carry interest at the rate specified and from the time indicated in the award by the tribunal below. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

June 2, 2017
DSK

T. RAJANI, J