IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY THE TWENTY THIRD DAY OF FEBRUARY, 2017

PRESENT
HONOURABLE SMT. JUSTICE T. RAJANI

MACMA.No. 232 OF 2008

Between:

A. Satyanarayana … Appellant

V/s.

D. Bhima & Anr. … Respondents

Counsel for the appellant : Sri S. Parameswara Rao

Counsel for the Respondent : Sri S. Agastya Sharma

The court made the following: [order follows]

HONOURABLE SMT. JUSTICE T. RAJANI

MACMA.No. 232 OF 2008

J U D G M E N T :

This appeal is preferred against the judgment and decree dated 21/11/2007 passed by XIV-Additional Chief Judge, [FTC], City Civil Court, Hyderabad, in OP.No. 447 of 2006 on the ground that the Tribunal did not appreciate the evidence of PW-1 properly and did not take note of the medical expenses and that the income of the appellant is also not properly appreciated.

2. At the hearing, the counsel for the appellant mainly argued on the approach of the lower court in ignoring the permanent disability of the appellant which is assessed by PW-4. As per the evidence of PW-4, the appellant suffered disability which has resulted in difficulty in sitting and squatting. But the evidence of P.W.4 shows that he did not specify the percentage of disability. However, the appellant is stated to be a person doing rice business,

which may not involve much sitting and squatting. But, the disability to the above extent is sufficient to affect his performance in the business at least to an extent of 10%. The income of the appellant is taken as Rs.100/- which comes to Rs.3,000/-, which in the considered opinion of this Court is appropriate. The appellant is stated to be 36 years old, hence the appropriate multiplier relevant for his age is 15. 10% of the disability would result in loss of Rs.300/- per month and Rs.3,600/- per annum. Hence, 3600x15=Rs.54,000/- would be the loss of future income to the petitioner.

3. This Court is not inclined to interfere with any of the other aspects of the judgment passed by the Tribunal, as there is no argument on these aspects.

4. Hence, in the result, the appeal is partly allowed, by enhancing the award of the lower Court by Rs.54,000/- which in total would come to Rs. 1,76,490/- and which can be rounded off

to Rs.1,76,500/- with proportionate costs and interest @ 7.5% p.a. from the date of appeal till the date of realization.

5. As a sequel, miscellaneous petitions if any, pending in this MACMA shall stands closed.

JUSTICE T. RAJANI

23/02/2017
I s L

HONOURABLE SMT. JUSTICE T. RAJANI

MACMA.No. 232 OF 2008
[PARTLY ALLOWED]

Date: 23/02/2017
Circulation No. 67
Court Master: I s L