

THE HON'BLE SMT JUSTICE T. RAJANI

MACMA No.149 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the tribunal below, questioning the adequacy of the compensation granted by the II Additional District Judge, Nizamabad in O.P.No.155 of 2005 dated 27.07.2007.

2. The tribunal granted Rs.45,000/- towards injuries, Rs.5,000/- towards pain and suffering, Rs.5,000/- towards treatment expenditure, Rs.3,000/- towards transportation and Rs.2,000/- towards extra nourishment totaling to Rs.60,000/-.

3. Counsel for the appellant contends that the tribunal ought to have granted more amount towards injuries as four of them are fracture injuries.

4. This Court, considering that the fractures are on the right left femur and on right humerus/hand and dislocations are on the right ankle joint and right shoulder joint, enhances the compensation under the head injuries from Rs.45,000/- to Rs.70,000/-, in order to meet the ends of justice. The evidence shows that the appellant underwent treatment in Government hospital. However, since the appellant sustained injuries on his leg, the petitioner would require transportation for the purpose of traveling to and from the hospital, hence, the compensation under the head transportation is enhanced from Rs.3,000/- to Rs.5,000/-. The appellant failed to file any medical bills in proof of his medical expenditure. Though he took treatment in

the Government hospital, this Court opines that the appellant would have incurred Rs.10,000/- towards medical expenditure and other incidental expenditure. Hence, the compensation under the head treatment expenditure is enhanced from Rs.5,000/- to Rs.10,000/-. Hence, in all, the appellant is entitled to a total compensation of Rs.70,000/- (injuries) + Rs.5,000/- (pain and suffering) + Rs.10,000/- (treatment expenditure) + Rs.5,000/- (transportation) + Rs.2,000/- (extra nourishment) = Rs.92,000/- as against Rs.60,000/- awarded by the tribunal. This Court is not inclined to interfere with the rate of interest awarded by the tribunal as it is on par with the rate of interest awarded by nationalized banks. This award shall relate back to the date of decree.

The civil miscellaneous appeal is allowed in part. As a sequel, the miscellaneous applications, if any, shall stand disposed of as infructuous. There shall be no order as to costs.

February 17, 2017
DSK

T. RAJANI, J

