

SMT. JUSTICE T. RAJANI

M.A.C.M.A. No. 162 OF 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant in the lower Court, assailing the order of the IV Additional District Judge (Fast Track Court), Nizamabad, in O.P.No.1119 of 2003, dated 26.06.2007, on the ground that the amount awarded by the lower Court is not adequate.

At the hearing, counsel for the appellant present, while, the counsel for the respondent is absent.

A perusal of the record, more particularly, the evidence of PWs.1 and 2 would lead to a conclusion that the amount awarded by the lower Court under all heads is adequate. The lower Court granted Rs.35,000/- towards pain and suffering and in the absence of any evidence with regard to the expenditure incurred by the appellant for his treatment, Rs.5,000/- was awarded towards medical expenses. Apart from that Rs.2,000/ towards transportation charges and Rs.3,000/- towards extra nourishment were also awarded though there was no evidence with regard to them.

PW.2, though, spoke about the fracture injuries and stated that the appellant would require further surgery, did not specify the expenditure required for future surgery. Obviously, the treatment taken by the appellant is in Government hospital. PW.2 is also from the said hospital. Hence, the appellant cannot be expected to be incurring any

expenditure for the future surgery. However, the lower Court granted Rs.5,000/- towards future medical expenses. There was an award of Rs.15,000/- towards loss of earnings for six months @ Rs.2,500/- per month.

The approach of the lower Court in granting the amounts under the above heads cannot be found fault with, as they are adequate. Hence, this Court is not inclined to interfere with the award passed by the lower Court.

In the result, the appeal is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed. No costs.

Date: 03.03.2017
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T. RAJANI, J