

THE HON'BLE SMT. JUSTICE T.RAJANI

M.A.C.M.A.No. 1068 OF 2008

JUDGMENT:

Assailing the order and decree dated 25-02-2004 in O.P.No. 1679 of 2000 on the file of the Court of V Additional Chief Judge, City Civil Court at Hyderabad (for short, 'the Tribunal'), the claimant therein preferred the present appeal on the grounds that the Tribunal did not award adequate compensation and it erroneously came to the opinion that Exs.A3 and A4 are contrary to each other.

2. Heard both sides.

3. A perusal of the order of the Tribunal shows that after evaluating the medical record, it came to the conclusion that a fracture injury was sustained to both bones of left leg of the claimant and it awarded only Rs.5,000/- towards pain and suffering which in my opinion is very low. Hence, the same is enhanced to Rs.15,000/-. So also with regard to the earnings of the claimant, the claimant is stated to be a washer man. Though there is no evidence proving the same, the same is not put to serious dispute. Hence, his earnings can be conveniently taken as Rs.3,000/- per month instead of Rs.1,800/- per month as taken by the Tribunal. The loss of earnings was for two months. Hence, the same needs to be enhanced to Rs.6,000/-. The award of Rs.1,000/- towards transportation expenses is also found to be very low. The injury being to the leg, the claimant might have required special transportation while going to and from hospital. Hence, Rs.5,000/- is awarded towards transportation expenditure.

4. In the result, the award of the Tribunal stands enhanced by Rs.16,400/- making the total award as Rs.27,000/-. The appeal is accordingly partly allowed with proportionate costs. The award shall relate back to the date of decree and

the enhanced amount shall carry interest at the rate specified and from the time indicated in the award of the Tribunal.

5. Pending miscellaneous petitions, if any, in this appeal shall stand closed in consequence.

Date: 04-10-2017.
JSK

T.RAJANI, J.

