

SMT JUSTICE T. RAJANI

MACMA.No.1093 of 2008

JUDGMENT:

This appeal is preferred by the appellant-insurance company, who is the second respondent before the Court below, assailing the judgment of the II Additional District Judge, Ongole in OP.No.1527 of 2006 dated 17.10.2007 on the grounds that the Court below awarded Rs.67,000/- towards compensation in spite of the fact that the claimant did not examine any doctor to prove the injuries, allegedly, sustained by him and that the Court below awarded Rs.15,000/- towards medical expenses though Ex.A5 reflects only Rs.1,040/- as the expenses incurred by him.

2. Heard counsel for the appellant. Counsel for the respondent remained absent.

3. At the hearing, counsel for the appellant contends that the doctor, who allegedly treated the claimant, was not examined and hence, the award amount of Rs.67,000/- has to be considered as exorbitant.

4. But a perusal of the documents filed by the claimant would show that the injury certificate was issued by the MGM Hospital, Warangal, marked as Ex.A2, on a request made by the police while referring the injured to the said hospital. The said injuries are the same, which are reflected in Ex.A6, discharge card, issued by Sri Ganesh Orthopaedic Hospital, Hanmakonda. There cannot be any suspicion with regard to Ex.A2 as it is on a reference made by police themselves and a clear nexus becomes established between the injuries mentioned in Ex.A2 and the accident. There are as many as four fracture injuries

evidenced by Exs.A2 and A6. The Court below awarded Rs.15,000/- towards each of the fracture injuries i.e. fracture of right patella; fracture of proximal phalynx and fracture of humerus and Rs.20,000/- towards pain and suffering caused by fracture of 8th and 9th ribs in the chest and also awarded Rs.2,000/- for the injury, which is in the form of abrasion. In the light of the injuries evidenced by Ex.A2, the above amount cannot be termed as exorbitant.

4. The other question that is raised is with regard to the Court below awarding Rs.15,000/- towards medical expenditure, though it is only Rs.1,040/- as per Ex.A5 medical bills. But a reading of the judgment would show that Rs.15,000/- was awarded not only towards medical expenses but also towards extra-nourishment and attendant charges. The said amount can also be considered as covering the transportation charges, which in all probability, the claimant would have required as he sustained injuries to ribs and the same would immobilize him, requiring a special transportation. The award of Rs.6,000/- towards loss of earnings can only be termed as being low as the Court below, though appropriately took into consideration the period of treatment and rest as three months, took the income per month only as Rs.2,000/-. Hence, seen from any angle, the award made by the Court below cannot be termed as exorbitant or excessive.

The civil miscellaneous appeal is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

T. RAJANI, J

August 16, 2017/DSK