

SMT. JUSTICE T. RAJANI

MACMA No.5106 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the Award of IX Additional Chief Judge, Hyderabad, in O.P.No.3083 of 2005 dated 22.09.2008 on the ground that the Court below did not award adequate compensation and it awarded only Rs.7,500/- towards pain and suffering and Rs.6,000/- towards medical expenditure and the amount awarded under other heads is also not adequate.

Heard both the learned counsel.

A perusal of the judgment of the Court below shows that considering that there was one grievous injury and seven simple injuries as evidenced by Ex.A.3, it awarded Rs.7,500/- towards pain and suffering which in the considered opinion of this Court is not adequate. Since there is a fracture injury on the leg, award of Rs.20,000/- towards pain and suffering would meet the ends of justice. Hence, the same is awarded in the place of Rs.7,500/-. The Court below though considered that there was no evidence with regard to the medical expenditure incurred by the petitioner,

took the probabilities of the case and awarded Rs.6,000/- towards medicines which can be considered as adequate. There was a discussion made on the transportation expenditure. Considering that there are no bills filed in proof of the transportation expenditure as per the claim of the claimant to an extent of Rs.5,000/-, the Court below in fact awarded only Rs.500/- but in the conclusive portion of the award, the award under transportation expenditure came as Rs.5,000/-. Hence, there need not be further enhancement of the transportation expenditure. However, the Court below did not consider the loss of income that was caused during the period of his treatment and recovery. The claimant is stated to be an agricultural labourer, aged 40 years. Hence, his income can be taken as Rs.3,000/- per month. With the injuries sustained to the claimant, he might have been unable to work at least, for a period of two months. Hence, Rs.6,000/- is awarded towards loss of income during the period of treatment. Regarding the disability sustained by the petitioner, there is absolutely no evidence adduced by the petitioner. Hence, the approach of the Court below in dismissing the claim towards permanent disability cannot be found fault with. Therefore, the Award of the lower Court stands enhanced by Rs.18,500/-.

Hence, the Award of the Court below is modified to the extent indicated above and the rest of the Award is left uninterfered with. This order shall relate back to the date of the decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the Award of the Court below.

In the result, the appeal is allowed with proportionate costs.

Pending miscellaneous petitions, if any, shall stand closed.

25th OCTOBER, 2017.

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SMT. T. RAJANI, J

