

**THE HONOURABLE JUSTICE SMT. T. RAJANI**

**MACMA. No.763 of 2008**

**JUDGMENT:**

This appeal is filed assailing the order dated 20.09.2007 of the VII Additional District Judge, Nizamabad at Bodhan made in O.P. No.978 of 2002 on the grounds that the Court below ought to have granted Rs.2,00,000/- (Rupees two lakhs only) towards compensation with interest at the rate of 24% per annum, by seeing that the appellant sustained grievous injuries and permanent disability by placing reliance on Ex.A-3 and A-4 to A-19, wound certificate and cash bills and receipts, respectively, and ought to have granted Rs.1,00,000/- (Rupees one lakh only) each towards permanent disability and towards fracture injuries and Rs.50,000/- (Rupees fifty thousand only) each towards medical expenses and pain and suffering. Though the above grounds were raised in the grounds of appeal, during hearing of the case, the stress was mainly on not considering the fracture injury and treating all the injuries as simple injuries. The injuries include fracture of the right clavicle, apart from deep abrasions on right shoulder, over the left back, over the right leg and on various parts of the body. The lower Court, however, observed that the injuries were mentioned in the wound certificate but due to absence of evidence of Medical Officer and authority of the bills it treated the injuries as simple in nature. In this regard, I opine that the said approach is not on the lines of the theme of a beneficial legislation. The medical certificate was however available, for appreciating the fact that the appellant sustained fracture injury and it was not attacked seriously by the respondent. Hence, the lower Court ought to have taken into consideration the fracture as grievous injury and ought to have awarded appropriate amount. Hence, for fracture injury Rs.15,000/- (Rupees fifteen thousand only) can be awarded and for the same reason the transportation charges awarded at the rate of Rs.2,000/- (Rupees two thousand only) are enhanced by another Rs.3,000/- (Rupees three

thousand only). Hence, by enhancing the awarded amount of Rs.12,000/- (Rupees twelve thousand only) is enhanced to Rs.20,000/- (Rupees twenty thousand only).

The interest awarded by the lower Court needs no interference as it is on par with the prevailing rate of interest of Nationalised banks.

With the above, this appeal is partly allowed.

As a sequel, miscellaneous petitions, if any, stand closed.  
There shall be no order as to costs.

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JUSTICE SMT.T.RAJANI

Date: 31-01-2017  
LSK

