

SMT JUSTICE T. RAJANI

MACMA No.2823 of 2011

JUDGMENT:

This appeal is preferred by the appellant-insurance company, who is respondent No.2 before the Court below, assailing the judgment of the I Additional District Judge, Visakhapatnam in OP.No.259 of 2009 dated 08.04.2011 on the ground that the Court below did not take up any discussion while awarding Rs.5,00,000/- each towards loss of future income and disability.

2. Heard both sides.

3. The counsel for the appellant mainly argues on the approach of the Court below in not taking up any calculation with regard to loss of future income and granting Rs.5,00,000/- as lumpsum.

4. The Court below, however, considered that the amputation of the leg of the claimant above thigh level would result in loss of his avocation, making him unable to attend his welding work. Then it has to be taken as 100% of the disability affecting his avocation. However, even if 90%, as stated by the doctor, is taken as the disability affecting the avocation of the claimant, the award comes to more than Rs.10 lakhs. The Court below awarded Rs.5,00,000/- towards disability and Rs.5,00,000/- towards loss of future income, which on the face of it may not be appropriate, but the end result would only be the same, even if a detailed calculation is taken on the said aspect. Hence, there need not be any reason to interfere with the judgment of the Court below.

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

December 11, 2017
DSK

T. RAJANI, J

