

SMT. JUSTICE T. RAJANI

M.A.C.M.A. No. 146 OF 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant in the lower Court, assailing the judgment of the II Additional Chief Judge, City Civil Court, Hyderabad, in O.P.No.735 of 2005 on the ground that the lower Court did not appreciate the injuries properly and failed to note that the appellant had sustained facial palsy due to which there was bleeding from the ear and that there is every possibility for hearing loss and loss of memory as a sequel of head injury.

Heard learned counsel for the appellant and the respondents.

On the aspect of loss of memory of the appellant, the observation of the lower Court is that PW.2 stated about the loss of memory as a sequel of head injury, but unfortunately, PW.1 does not complain of any of the deficiencies stated by PW.2. It shows that PW.2 also spoke about the facial palsy resulting due to bleeding from the right ear. He also stated that there is disability of hearing loss.

This Court in order to sustain the observations of the lower Court, looked into the evidence of PW.1 and finds that PW.1, who is the appellant/petitioner, has very clearly stated that due to head injury he was getting severe headache, giddiness and loss of memory. He also spoke that due to bleeding from the right ear, he developed facial palsy. Hence,

observations made by the lower Court with regard to the above are found to be totally misconceived. The appellant is stated to be a labourer earning Rs.3,000/- per month, which was accepted by the lower Court while awarding compensation towards loss of income during the period of treatment. However, the evidence of PW.1 with regard to the effect of loss of memory and facial palsy on his avocation is not clear. The extent of loss of memory is not stated by PW.2. Hence, in the above circumstances, this Court is left without any data for assessing the exact loss of future income. However, a lump sum amount can be granted towards the same which is awarded @ Rs.30,000/-.

To the extent indicated above, the appeal is partly allowed by enhancing the award of the lower Court by Rs.30,000/- which comes to a total of Rs.71,000/-.

This award shall relate back to the date of the decree and the enhanced amount shall carry interest at the rate and from the time as awarded by the Court below.

Miscellaneous petitions, if any, shall stand closed. No costs.

T. RAJANI, J

Date: 03.03.2017
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