

SMT JUSTICE T. RAJANI

MACMA.No.1784 of 2011

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the II Additional District and Sessions Judge, Sangareddy in MVOP.No.754 of 2007 dated 13.02.2009 on the grounds that the Court below did not award medical expenditure, which is evidenced by medical bills Exs.A5 to A8; it did not award compensation towards transportation charges and loss of income.

2. Heard counsel for the appellant. None appears for the respondents.

3. A perusal of the judgment of the Court below shows that considering that Exs.A5 and A6 show many heads, which cannot be paid by the respondents, declined to award the amount under the head medical bills and awarded only Rs.20,000/-. But P.W.2, who is a doctor from Apollo Hospital, was examined and he stated about the injury and treatment taken by the claimant. The medial bills are issued by Apollo Hospital and hence, there need not be any reason to disbelieve the medical bills. Hence, the remaining amount of Rs.52,684/- under Ex.A5 is awarded towards medical bills. No transportation charges were awarded. The claimant sustained injuries on his legs and hence, might have required special transportation while going to and from the hospital. Hence, Rs.10,000/- is awarded towards transportation charges. No amount

towards loss of income during the period of treatment, rest and recovery is also awarded. The claimant is stated to be a vegetable vendor. Hence, following the decision of the Supreme Court in SYED SADIQ v. DIVISIONAL MANAGER UNITED INDIA INSURANCE CO. LTD.<sup>1</sup> wherein the income of the vegetable vendor was taken as Rs.6,500/- per month, Rs.6,500/- can be taken as the monthly income of the claimant. The nature of the injuries would suggest that the claimant might have been unable to do his business at least for a period of two months. Hence, Rs.6,500/- x 2 = Rs.13,000/- is awarded under the head loss of income for the aforesaid period. Hence, in all, the claimant would be entitled to enhanced compensation of Rs.52,684/- + Rs.10,000/- + Rs.13,000/- = Rs.75,684/-, which is rounded off to Rs.76,000/-, apart from the amounts granted by the Court below.

4. Hence, the award of the Court below is modified as indicated above with proportionate costs. The rest of the award is left uninterfered with. The award shall relate back to the date of decree and the enhanced compensation awarded shall carry the interest at the rate and from the date specified by the Court below.

The civil miscellaneous appeal is allowed in part. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

December 21, 2017  
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<sup>1</sup> AIR 2014 SC 1052