

SMT JUSTICE T. RAJANI

M.A.C.M.A. No.148 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the X Additional District Judge, Guntur in M.V.O.P. No.1005 of 2005 dated 24.10.2007 on the grounds that the Court below awarded inadequate compensation and did not take into consideration the disability stated by PW.2.

2. Heard both the counsel.

3. A perusal of the award of the Court below shows that the claimant sustained three injuries, of which, two are fracture injuries and the other one is a head injury and the Court below awarded Rs.1,000/-, which on the face of it, is very meagre and not adequate. Hence, the same is enhanced to Rs.20,000/-. The Court below however did not grant any amount towards transportation expenditure which the petitioner in all probability is likely to incur. Considering that there are two fracture injuries and the petitioner underwent surgery, Rs.10,000/- is awarded towards transportation expenditure.

4. Regarding the disability sustained by the petitioner, the approach of the Court below is found to be correct, as, considering the evidence of PW.2, who stated that 25% is the disability which

can be reduced by further surgery, the Court below has taken the disability at 15% which seems to be proper and needs no interference.

5. The cost of future surgery as stated by the petitioner is Rs.4,000/- to Rs.5,000/- and the Court below awarded Rs.4,000/-. Hence the same needs no interference. So far as the medical expenses are concerned, the Court below granted the total amount claimed. Hence, the award of the Court below stands modified to the extent indicated above.

6. In all, the claimant is entitled to an enhanced compensation of Rs.19,000/- (Rs.20,000/- - Rs.1,000/- granted by the Court below) + Rs.10,000/- (transportation charges) = Rs.29,000/- and the rest of the award is left uninterfered with. This award shall relate back to the date of decree and the enhanced compensation awarded shall carry interest at the rate specified and from the time indicated in the award by the Court below.

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

T. RAJANI, J

Date:20.10.2017
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