

HONOURABLE SMT JUSTICE T. RAJANI

M.A.C.M.A. No.1052 of 2008

JUDGMENT:

1. This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment in O.P.No.728 of 1989, dated 20.6.1996 on the file of the District Judge, Medak at Sangareddy, on the ground that the compensation awarded by the Court below is inadequate and the Court below did not award any interest on the compensation.

2. Heard both sides.

3. At the hearing, the learned Counsel for the appellant contends that even under the head of permanent disablement, Rs.25,000/- has to be awarded as per Section 140 Clause 2 of the Motor Vehicles Act. The above provision is only in respect of permanent disablement. When there is no permanent disablement, the above provision does not apply. In this case, there is no evidence that there was any such disablement to the claimant.

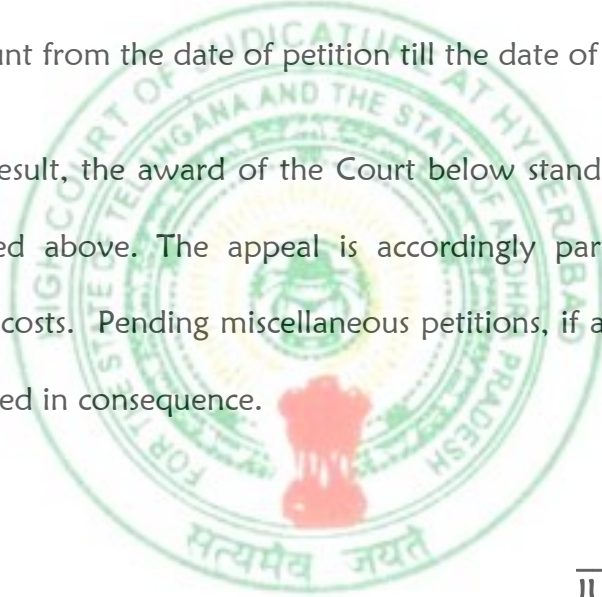
4. The Court below awarded Rs.15,000/- towards pain and suffering; Rs.2,000/- towards injury. In my considered view the injury by itself does not deserve any compensation. It is only the consequences that ensue from the injuries that are to be compensated. Hence, the two amounts put together would amount to Rs.17,000/- and the same, if it is taken as have been awarded towards pain and suffering, would be adequate.

5. The Court below did not award any medical expenditure as there was absolutely no evidence with regard to the same. The claimant was treated in Government hospital. Hence, in all probability no expenditure would be incurred by him.

6. The learned Counsel for the appellant also contends that no amount was awarded towards loss of income during the period of treatment and the injury being fracture to the middle thigh, might have required atleast two months of rest for the appellant-claimant, who is stated to be a driver. Hence, Rs.3,000/- per month can be taken as loss of income, and for two months Rs.6,000/- can be given under the head of loss of income during the treatment, rest and recovery.

7. Further, the Court below did not award any interest on the compensation amount. Hence, 9% p.a., shall be the interest on the awarded amount from the date of petition till the date of realization.

8. In the result, the award of the Court below stands modified to the extent indicated above. The appeal is accordingly partly allowed with proportionate costs. Pending miscellaneous petitions, if any, in this appeal shall stand closed in consequence.



JUSTICE T. RAJANI

Date: 9th October, 2017
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