

HONOURABLE SMT JUSTICE T. RAJANI

M.A.C.M.A. No.863 of 2008

JUDGMENT:

1. This appeal is preferred by the appellant, who is claimant before the Court below, assailing the judgment of the IV Additional District Judge, Nizamabad, dated 10.12.2007 in O.P.No.408 of 2004 on the ground that the compensation awarded by the Court below is inadequate.

2. Heard both sides.

3. The learned Counsel for the appellant contends that there are two grievous injuries, but the Court below awarded only Rs.25,000/- towards pain and suffering.

4. On the other hand, the learned Counsel for the respondents contends that the Court below awarded adequate compensation under all the heads.

5. One grievous injury is fracture of clavicle on the left side and other injury is fracture distal phalanx big toe right foot. This Court finds that the compensation of Rs.25,000/- towards pain and suffering does not meet the ends of justice and hence, the same is enhanced to Rs.35,000/-. So also the Court below did not award any compensation for the simple injuries and hence, considering the fact that lacerated wound over popliteal fosses of right knee and the contusion right foot are simple in nature, compensation of Rs.1,000/- for each of them is awarded. The Court below awarded meager amounts towards treatment expenditure, transportation charges and extra nourishment. This Court opines that the same can be enhanced to Rs.6,000/- altogether. Hence, in all the award of the Court below stands enhanced by Rs.18,000/-. Rest of the Award of the Court below is left uninterfered.

6. The appeal is accordingly partly allowed with proportionate costs. The award shall relate back to the date of decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the award of the Tribunal. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T. RAJANI

Date: 9th October, 2017

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