

HON'BLE SMT JUSTICE T. RAJANI

M.A.C.M.A. No. 498 of 2008

JUDGMENT:-

This appeal is preferred by the claimants before the Court below aggrieved by the judgment of the Additional District Judge, Anatapur in O.P.No. 375 of 1999 dated 23.08.2004 by virtue of which the lower Court dismissed the claim of the claimants.

The grounds on which the appeal was preferred are that the lower Court though admitted that injuries to the deceased were caused in the accident, did not grant any amount, hence, the judgment is liable to be set aside.

Heard the learned counsel for both the parties and perused the record.

The deceased, who is the injured, died and the claimants filed the O.P. as his legal heirs.

The learned counsel for the appellants contends that the lower Court did not award any amount for the injuries sustained by the deceased. The injuries as can be seen from the wound certificate – Ex.A2 are all simple in nature and they are about five in number. The said grievance of the appellants can be taken care of by awarding some amount towards pain and suffering that was caused by the injuries. Hence, a consolidated amount of Rs.10,000/- is awarded for

the pain and suffering caused by the simple injuries. As regards the medical bills, the doubt entertained by the lower Court still remains to be existing even at the stage of this appeal. In the light of the fact that the deceased sustained only simple injuries, the medical expenditure which is to an extent of Rs.35,000/- seems to be improbable. Unless someone who treated the deceased explains as to why medicines costing to an extent of Rs.35,000/- had been used, for those simple injuries, the bills cannot be believed.

Only to the extent indicated above, the judgment of the lower Court stands set aside. The claimants are awarded a sum of Rs.10,000/- towards simple injuries caused to the deceased. The said amount shall carry interest at the rate of 7.5%p.a. from the date of the petition till realization.

Accordingly, the appeal is partly allowed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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T. RAJANI, J

24.08.2017

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