

SMT JUSTICE T. RAJANI

MACMA.No.1818 of 2012

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the III Additional District Judge (FTC), Nizamabad FAC: VII Additional District Judge (FTC), Nizamabad at Bodhan in MVOP.No.114 of 2009 dated 18.03.2011 on the grounds that the Court below did not award adequate compensation and did not award any amount towards attendant charges, extra-nourishment, transportation etc. and towards disability.

2. Heard both sides.

3. The claimant, in this case, sustained injuries in a motor accident. The injuries, as stated by the doctor, who was examined as P.W.2, are fracture of radius lower third left side, Hemarthrosis left knee joint and two abrasions. The Court below awarded Rs.20,000/- towards two grievous injuries and Rs.15,000/- towards pain and suffering. Hence, the said amounts can be concluded as adequate towards pain and suffering. The Court below also awarded Rs.6,000/- towards two simple injuries. In spite of there being no evidence towards medical expenses, Rs.5,000/- was awarded, which cannot be said to be meagre. However, the Court below did not choose to award any amount towards loss of income during treatment rest and recovery, though it believed that the claimant sustained fracture of radius lower third left side.

4. The claimant is stated to be a tailor and the fracture would disable her at least for a period of two months in continuing her avocation. The income, as stated by her, is Rs.12,000/- per month. But considering that no evidence is adduced with regard to income, this Court is inclined to take Rs.4,500/- as the monthly income of the claimant and Rs.9,000/- i.e. (Rs.4,500/- x 2 = Rs.9,000/-) is awarded towards loss of income during the period of treatment, rest and recovery. Apart from the above, Rs.2,000/- can be awarded towards transportation charges, as there is no evidence that the claimant took treatment as inpatient. Hence, the award of the Court below stands enhanced by Rs.11,000/- (Rs.9,000/- + Rs.2,000/- = Rs.11,000/-). Hence, in all, the claimant is entitled to total compensation of Rs.46,000/- (awarded by the Court below) + Rs.11,000/- (enhanced amount) = Rs.57,000/-.

5. Hence, the award of the Court below is modified as indicated above with proportionate costs. The award shall relate back to the date of decree and the 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.

July 20, 2018
DSK

T. RAJANI, J