

SMT JUSTICE T. RAJANI

MA CMA No.99 of 2012

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the court below, assailing the judgment of the Motor Accidents Claims Tribunal (Judge, Family Court-cum-Additional District Judge), Khammam, on the grounds that the court below did not award adequate compensation and it awarded meagre compensation towards grievous injuries; the court below failed to see that the appellant is entitled to receive the compensation of Rs.1,15,000/- towards medical and ancillary expenses based on Exs.A4 to A8; it did not award any compensation towards extra nourishment and transportation charges; it ought to have awarded Rs.1,00,000/- towards loss of earnings and Rs.70,000/- towards permanent disability; it ought to have awarded Rs.20,000/- towards future medical expenses.

2. Heard the counsel for the appellant. None appears for the respondent.

3. A perusal of the record shows that the appellant sustained two grievous injuries and three fracture injuries, apart from a cut on the throat nerve. The court below took into consideration only one grievous injury and awarded Rs.20,000/-. The reason for not considering the other injuries is not known. The Doctor, however, was not examined but the medical certificate-Ex.A3 filed by the appellant is available on record, which evidences the injuries. The respondents did not seriously dispute the said

injuries. In those circumstances, there need not be any reason to disbelieve the said injuries. Hence, Rs.20,000/- each to the rest of the four grievous injuries i.e., Rs.20,000/- X 4= Rs.80,000/- is awarded in addition to the amount of Rs.20,000/- towards pain and suffering caused by the injuries.

4. The counsel submits that the court below awarded only Rs.7,500/- towards loss of earnings, though it considered that the earnings of the appellant were Rs.3,300/- and from the injuries it can be understood that the appellant could not attend his work at least for a period of four months. This court finds some strength in the said argument. Hence @ Rs.3,300/- per month, the loss of earnings for four months would come to Rs.13,200/- i.e., Rs.3,300/- X 4 and after deducting Rs.7,500/- (awarded by the Court below) from the same, Rs.5,700/- is awarded towards loss of earnings.

5. The lower court also did not award any amount towards transportation. Hence, Rs.10,000/- is awarded towards transportation expenditure, considering that the claimant might have required special transportation to travel to and from the hospital.

6. In all, the appellant is entitled for an enhanced compensation of Rs.95,700/- i.e., Rs.80,000/- {towards pain and suffering} + Rs.5,700/- {towards loss of earnings} + Rs.10,000/- {towards transportation expenditure}.

7. Hence, the award stands enhanced to the extent indicated above and the rest of the award shall remain in tact. 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.

Accordingly, the MACMA is partly allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

July 13, 2018
LMV



T. RAJANI, J