

SMT JUSTICE T. RAJANI

MACMA.No.28 of 2012

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the II Additional District Judge, Ranga Reddy District in OP.No.1413 of 2007 dated 07.03.2011 on the grounds that the Court below did not award adequate compensation and that it failed to award the amount under the medical bills amounting to Rs.1,71,173/- issued by Sai Bhavani Super Speciality Hospital; the Court below did not award any amount for future treatment; the Court below did not consider the disability of the claimant though the evidence reveals that he lost his eye sight and 40% has to be taken as the disability as per the Workmen Compensation Act.

2. Heard both sides.

3. This is a case of injuries in a motor accident. The Court below considered the evidence adduced by the claimant and awarded amount towards pain and suffering and some amount towards medical bills and loss of income during the period of treatment.

4. The counsel for the appellant, though submits that the medical bills to an extent of Rs.1,71,173/- are pharmacy bills and the Court below did not award the said amount, even at the stage of the appeal, is not in a position to explain as to how the claimant is entitled to the said amount, as there is no supporting evidence for the said pharmacy bills. The Doctors, who were examined, did not speak about the said

bills. Hence, the said bills cannot be taken into consideration and it can be held that the Court below rightly declined to award the said amount under the said medical bills.

5. So far as loss of income during the period of treatment is concerned, the counsel for the appellant submitted that as per the evidence of P.W.2, the claimant was taken to Sai Bhavani Super Speciality Hospital whereat he underwent treatment and he also underwent treatment at KIMS Hospital and hence, the total period for which the claimant could not attend to his duty has to be at least 10 months. The Court below awarded amount only for two months. This Court is convinced that the claimant was under treatment till 28.05.2007. Hence, the loss of income for another 8 months can be awarded, which comes to $\text{Rs.}3,000/- \times 8 = \text{Rs.}24,000/-$ as the income of the claimant is taken as $\text{Rs.}3,000/-$ per month.

6. The counsel for the claimant also contends that by virtue of evidence of P.W.5, who stated that the claimant requires follow up treatment for head ache that he is likely to suffer from, some amount can be awarded under that head. However, the evidence is not very clear on that aspect. Hence, considering the evidence of P.W.5 that nevertheless the claimant would require follow up treatment, a consolidated amount of $\text{Rs.}25,000/-$ is awarded. Hence, the award of the Court below stands enhanced by $\text{Rs.}49,000/-$ ($\text{Rs.}24,000/- + \text{Rs.}25,000/- = \text{Rs.}49,000/-$). Hence, in all, the claimant is entitled to total compensation of $\text{Rs.}2,90,034/-$ (awarded by the Court below) + $\text{Rs.}49,000/-$ (enhanced amount) = $\text{Rs.}3,39,034/-$.

7. 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 enhanced 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 6, 2018
DSK

T. RAJANI, J

