

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1184 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 28.02.2006 by the II Additional Metropolitan Sessions Judge, Hyderabad-cum- XVI Additional Chief Judge, Hyderabad (for short 'the Tribunal'), in O.P.No.399 of 2003, whereby the tribunal granted compensation of Rs.2,00,000/-.

2. It is a case of injuries as against the claim of Rs.2,00,000/-. The trial Court on the strength of evidence of P.W1 and Exs.A4, A5 and A7 to A10 along with other documents under various heads granted Rs.13,400/- with 7.5% interest from the date of petitioner till the date of deposit of amount. Aggrieved thereby, the claimant preferred the present appeal and contended that the Tribunal has not awarded compensation under the head of disability and hence prayed to enhance the compensation.

3. Admittedly, there is no discussion about Ex.A6-disability certificate in the trial Court and also discussion on evidence of P.W2 is silent. In the absence of appreciation of evidence, this Court cannot decide and fix the quantum. However, while deciding the matters pertaining to award compensation under the head of disability, it is immense necessary to deal with the matter in the light of guidelines framed by the Apex Court in ***Raj Kumar vs. Ajay Kumar***¹.

¹ (2011) 1 SCC 34

4. In view of the above, the order dated 28.02.2006 passed by the II Additional Metropolitan Sessions Judge, Hyderabad-cum-XVI Additional Chief Judge, Hyderabad, in O.P.No.399 of 2003 is set aside and appeal is remanded for fresh consideration by appreciating the oral and documentary evidence.

5. Accordingly, the appeal is disposed of. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 05-11-2019
dv

T.AMARNATH GOUD,J

