

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1273 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the decree and award dated 16.12.2005 passed in O.P.No.522 of 2003 by the XI Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal), whereby the tribunal awarded compensation of Rs.1,75,000/- with proportionate costs and interest @ 9% per annum from the date of petition till the date of realization on account of the accident occurred on 20.09.2002 at about 12.30 PM, when he along with others were on the stage being erected for installation of Sri Vinayaka, on the road, near New India Hotel, Saidabad, DCM canter driven by its driver in a rash and negligent manner dashed the stage, for which the said stage collapsed and petitioner and others fell down and sustained fracture and other grievous injuries, he was shifted to Yashoda Hospital, Malakpet and thereafter to Uday Clinic for better treatment, as against the claim of Rs.5,00,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Before the tribunal, in order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A.1 to

A.199 and Ex.B.1-copy of insurance policy marked on behalf of the insurance company and no oral evidence was adduced on behalf of the respondents.

4. Learned counsel appearing for the claimant contended that the tribunal failed to award medical expenses for the fracture of L1, vertebra with retropulsion of posterior fragment of body, indenting the spinal chord and that the tribunal failed to award actual loss of earnings to the claimant as he was hospitalized for more than one and half month and not attended to his normal duties in view of the injuries and hence, prayed to grant just and proper compensation.

5. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference of this Court. However, with regard to medical expenses, the tribunal granted Rs.70,000/- as against Rs.1,75,000/-. As seen from Exs.P.4 to P.8, the petitioner incurred Rs.49,408/- towards medical expenditure, Rs.22,000/- in Yashoda Hospital and Rs.32,675/- in Udai Clinic, totaling Rs.1,04,000/-. Without any reasons, the tribunal restricted the same to Rs.70,000/-. The same is enhanced to Rs.1,04,000/-. The other heads are unaltered. Thus, the claimant is entitled for total compensation of

Rs.2,09,000/- (Rs.15,000/- + Rs.5,000/- + Rs.5,000/- + Rs.5,000/- + Rs.2,000/- + Rs.1,04,000/- + Rs.10,000/- + Rs.68,000/-) The enhanced compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization. The claimant is entitled to withdraw the deposited amount. The respondents shall pay compensation amount within three months from the date of receipt of a copy of this judgment.

6. In view of the above, the appeal is allowed in part. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 12-11-2019
kvrn

T.AMARNATH GOUD,J