

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1179 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 18.03.2006 by the I Additional District Judge, at Mahbubnagar (for short 'the Tribunal'), in O.P.No.337 of 2004, whereby the Tribunal granted compensation of Rs.15,000/-.

2. The facts of the case are that on 12.05.2003 at noon, while the petitioner was going to Housing Board colony, Jadcherla on his T.V.S.Champ bearing No.AP-22-3010 from Jadcherla, a Tipper bearing No.AP-11-T-5074 came in a rash and negligent manner dashed the Champ of the claimant. As a result, the petitioner had a fracture to his right little finger besides simple injuries to other parts of the body and sought for a compensation of Rs.75,000/-.

3. The Tribunal after considering the evidence and material available on record has awarded Rs.15,000/- as compensation with interest @ 7.5% per annum from the date of petition till the date of realization as against the claim of Rs.75,000/-. Aggrieved thereby, the appellant/claimant filed the present appeal seeking enhancement.

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

5. Respondent Nos.1 and 2 remained exparte.

6. In order to prove the case of the claimant, PWs.1 to 3 were examined and marked Exs.A.1 to A.7.

7. It is a case of simple injuries i.e. fracture of right little finger. Basing on the material available on record, the tribunal allowed the appeal in part. Since the claimant is an agriculturist, he has to attend his agricultural operations and ploughing activity and without right little finger, there will not be sufficient grip, even otherwise taking up ploughing operations with the injured hand for a farmer is a difficult task and accordingly, this Court feels that enhancement of compensation towards pain and suffering caused due to fracture of right little finger is just and proper and therefore the compensation of Rs.10,000/- awarded by the Tribunal towards pain and suffering is enhanced to Rs.15,000/-. As regards other amounts awarded by the Tribunal towards medical expenditure of Rs.1,000/-, Rs.1,000/- towards transportation, Rs.1,000/- towards pain and sufferance due to simple injury and Rs.2,000/- towards vehicle damage are all well considered in all aspects and needs no interference of this Court. The enhanced compensation amount of Rs.5,000/- shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents are directed to deposit the compensation amount within three months.

8. 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.

T.AMARNATH GOUD,J

Date: 05-11-2019
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