

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA. No.1737 of 2007

JUDGMENT:

This appeal is preferred by the appellant/claimant, against the order dated 14.06.2004 passed in O.P. No.471 of 2000 by the IV Additional District and Sessions Judge, Fast Track Court, R.R. District at L.B.Nagar.

Brief facts of the case are that on 25.02.2000, the claimant, along with other relatives were traveling in a car bearing No.AP 22A 1594, to go to Chandranpally, Madgul Mandal from Medpally village. When the said car was reached near Tammaloniguda village on Sagar road, at about 7.45 pm., one lorry bearing No.AP 28T 7456 came in opposite direction in high speed, rash and negligent manner with a towed lorry and dashed to the claimant's car, due to which claimant and others, who were traveling in the car, received severe bleeding injuries and the car also damaged. The claimant received fracture to his left hand, right leg and thigh, blunt object on ribs, chest and other multiple injuries all over his body. Hence, he filed the claim petition against the respondents claiming an amount of Rs.3,00,000/- towards compensation.

The Court below on 14.06.2004, while taking into consideration the aspects urged before it from either side and the evidence adduced, oral and documentary, it allowed the claim petition in part awarding compensation Rs.1,60,000/-

towards compensation with interest at the rate of 9% per annum from the date of petition till date of payment. Having not satisfied with the said compensation, claimant preferred the present appeal on the ground that the amount granted by the Court below is very meager and needs fresh consideration.

From a perusal of the impugned order, it is clear that the Court below while holding that the accident took place due to rash and negligent driving of the driver of the offending lorry awarded an amount of Rs.1,60,000/- towards compensation with interest at the rate of 9% per annum.

It is to be noted here that though no disability certificate was filed by the claimant before the Court below, based on the evidence of P.W.2, Doctor, it considered that he sustained 50% disability and awarded the compensation. Since there is a specific finding by the Apex Court in **RAJ KUMAR Vs. AJAY KUMAR**¹ that in an award the disability and future prospects cannot be granted in a routine manner unless the same is supported by sufficient evidence. It is not for this Court to go into the said issue since original Court has to appreciate the said evidence. In view of the same, the order passed by the Court below is confirmed under all heads. But, however, with regard to the medical bills, claimant claimed an amount of Rs.26,979/- but the Court below has granted Rs.15,000/- towards medical bills without assigning any reason for reducing the same. Hence, this Court is of the opinion that

¹ 2011 (1) SCC 343

ends of justice would be met if the amount is granted as claimed under the head of medical bills. Accordingly, the same is considered and granted as claimed under the head of the medical bills, which can be rounded off to Rs.27,000/- towards medical bills.

Accordingly, compensation amount is enhanced from Rs.1,60,000/- to Rs.1,72,000/-. Enhanced compensation shall carry interest at the rate of 7.5% from the date of award till its realisation.

Accordingly, this appeal is allowed in part. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 26.11.2019
LSK