

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

M.A.C.M.A.No.4867 of 2008

JUDGMENT:

Dissatisfied with the quantum of compensation awarded, the appellants/respondents 2 and 3/insurer filed this appeal against the decree and award dated 30.05.2006 in M.V.O.P.No.1194 of 2005 on the file of the Motor Accidents Claims Tribunal-cum-VI Additional District Judge (III-FTC), Warangal, at Mahabubabad.

2, The first respondent/petitioner filed petition claiming compensation of Rs.1,00,000/- on account of injuries sustained by him in a motor accident dated 20.11.2003. The Tribunal after due enquiry and by considering the material and evidence awarded compensation of Rs.1,00,000/- with interest at 7.5% per annum from the date of the petition till the date of realization and the respondents 1 to 3 are jointly and severally liable to pay.

3. In this appeal, the learned counsel for the appellants/insurer fairly submitted that this appeal is filed contesting the award of amount of Rs.50,000/- towards plastic surgery for a lacerated injury and Rs.25,000/- towards future treatment.

4. Learned counsel for the respondents pleaded that the claim petitioner suffered injury on the face which resulted in disfiguration of the face. Thus to repair and restore the normalcy of face, as part of treatment plastic surgery was needed and as there is requirement of future treatment, the Tribunal had rightly considered and awarded the amounts. As such no tenable ground is made out by the appellant for interference.

5. A perusal of the record is disclosing that the claim petitioner as PW-1 testified about the injuries and the treatment. The evidence of Doctor/PW-2 and wound certificate/Ex.A-2 are substantiating the version given by the injured/PW-1. Further the Doctor/PW-2 deposed that the grievous injury on head and brain caused disfiguration of

face required plastic surgery and the future medical necessities for the giddiness, loss of memory. The appellant/insurer except raising bald contention, failed to elicit any fact in the cross examination of the witnesses or placed any material to consider otherwise. Thus, awarding amounts towards plastic surgery, future medical expenditure found fair and reasonable.

6. In the circumstances, as the appellant/insurer is not disputing the other aspects of the award and in the absence of any impropriety, the award deserves to be confirmed.

7. In the result, the appeal is dismissed. No costs.

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

JUSTICE N. TUKARAMJI

Date:30.03.2022
CCM