

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No. 2513 of 2009

ORDER :

The appellant is the petitioner impugning the order dated 12.08.2004 in M.V.O.P.No.101 of 2000 on the file of Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Chittoor, the Tribunal.

2) The petitioner filed the above M.V.O.P claiming compensation of Rs.2,00,000/- against the owner and insurer of the lorry bearing No.TN 23 X 1929 for the accident dated 28.12.1999 granting Rs.60,000/- with interest at 9% p.a. The contentions of the learned counsel for the petitioner that the learned Chairman at para No.17 referred to Ex.A-8 disability certificate issued by Dr.Purushothaman of Stanley Hospital, Chennai and even taken consideration of the same at 10% did not properly apply the multiplier method in arriving the amount and what Rs.20,000/- awarded thereunder is contrary to law, hence the proper multiplier method to be applied to take correct multiplicand, by enhancing the compensation as prayed for. The 1st respondent remained exparte before the Tribunal, do not choose to appear herein.

3) It is the contention of the 2nd respondent insurer that the quantum is more than just and no way requires interference but for to reduce the rate of interest at 7.5% from 9% p.a. and hence to dismiss the rate of interest.

4) Heard both sides and perused the material on record.

5) Undisputedly the so called Dr.Purushothaman not examined to prove the disability certificate. It is not he that treated even the Vellore hospital record vis-à-vis Government hospital, Chittoor record vis-à-vis SWIMS Hospital record of Tirupati covered by Ex.A-3, A-4,

A-6 no way shows any disability even to give any credence to Ex.A-8 so called disability certificate. However, the fact remains besides abrasion on lateral aspect of left side and traverse laceration of about 3 cms over left patella besides other head injury noted from the medical records particularly noticed by the learned Chairman of the Tribunal at para No.14 of the award, there is a compound Grade-I fracture of left femur and mid shaft.

6) Having regard to the above, even taken for the compound fracture an amount of Rs.25,000/- as on the date of accident and the lacerated injury Rs.5,000/- and the other two simple injuries including the head injury an amount of Rs.5,000/-, it is at parietal region head respectively, as can be seen from the record. The injured was treated at Stanley Hospital, Chennai, Vellore Hospital for considerable period and Government Hospital, Chittoor, SWIMS, Tirupati and considering the prolonged treatment including from the loss of earning, medical expenses, attendant charges, transport charges even awarded Rs.30,000/-. In total it comes to Rs.65,000/- towards compensation.

7) In the result, the appeal is partly allowed by enhancing compensation from Rs.60,000/- to Rs.65,000/-. The award of the Tribunal in all respects holds good. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

24.11.2015

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