

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.M.P.No.5166 of 2009

IN/AND

M.A.C.M.A.No.2906 of 2015

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JUDGMENT :

The injured-claimant filed this appeal impugning the award dated 24.04.2008 in O.P.No.1487 of 2001 on the file of the Motor Accidents Claims Tribunal (Fast Track Court), Nizamabad at Kamareddy (for short, 'the Tribunal') for the injuries sustained by him in a motor accident dated 22.11.2000 i.e., one grievous injury and a fracture, what the Tribunal awarded against the owner and insurer of the Scooter bearing No.AP 25 A 4839 of the claim for Rs.1,00,000/-, since awarded Rs.18,000/- is utterly low to enhance. Along with this appeal, there is an application for condoning the delay of 3056 days and the reason explained is of financial difficulties.

2. Whereas it is the contention of Sri A.Rama Krishna Reddy, representing the 2nd respondent-insurer that there are no grounds to condone the delay and there are no merits to entertain the appeal.

3. Heard.

4. Even the 1st respondent-owner of the vehicle remained *ex parte* before the Tribunal and he was impleaded in the appeal and even dismissed for default on 16.12.2011 is no way fatal to the maintainability of the appeal as laid down in **M.Chakradhara Rao v. Y. Babu**

Rao ^[1].

5. The delay is condoned subject to condition that the claimant is not entitled to interest till date for any enhanced compensation.
6. At the request of both sides, this appeal is taken up for hearing.
7. Heard and perused the material on record.
8. What the Tribunal awarded of Rs.18,000/- is since utterly low, an amount of Rs.25,000/- awarded towards fracture injury and Rs.13,000/- towards loss of earnings, medical expenses, attendant charges, transport charges and extra nourishment.
9. Accordingly and in the result, the appeal is allowed in part by enhancing the compensation from Rs.18,000/- to Rs.38,000/-. However, the claimant is not entitled to interest on the enhanced amount of Rs.20,000/-, but for from today onwards till realization.
10. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

30th December 2015.

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[\[1\]](#) 2001(1) ALT-495(DB)