

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA MP No.4035 of 2009

IN/AND

M.A.C.M.A.No.2888 of 2015

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ORDER :

The petitioner/injured of O.P.No.1704 of 2006 maintained under Section 166 of the Motor Vehicles Act, for a compensation of Rs.2,00,000/- for the injuries sustained in the motor accident on 12.01.2006 due to the rash and negligent driving of the auto bearing No. AP 24U 4413 covered by crime No.13 of 2006 against the driver under Ex.A1-F.I.R. and the police final report- Ex.A2 and he was treated as in-patient covered by Exs.A3 to A15 which includes prescriptions, discharge card and also cause examined PW.2 one Dr.Y.Thimma Reddy stating as if an operation is required though he deposed in the chief examination that the petitioner was treated only conservatively and applied POP casing, the question of second operation does not arise apart from the question of any shortening of any limb to believe said evidence of PW.2 introduced for the first time that coming to the witness box that was rightly rejected by the tribunal in awarding compensation of Rs.31,000/- with interest @ 7.5% p.a.and the same is now impugned as utterly low, and in filing the appeal with delay of 26 days, sought to condone saying it is not intentional and it is due to lack of knowledge of readiness of the certified copy from the advocate of lower Court. Hence, the delay is condoned.

2. Heard and perused the material on record.
3. The learned counsel for the appellant reiterated the

above saying the tribunal ought to have been considered disability and adopted multiplier method.

4. Whereas it is the contention of learned counsel for the insurer that what the tribunal awarded is the just compensation and no way requires interference.

5. Undisputedly, there is compound fracture of both bones of left knee tibia and fibula, that is the injury only sustained that he is treated as in-patient and what the tribunal awarded of Rs.31,000/- is utterly low to enhance as for the compound fracture Rs.30,000/-, loss of earnings, attendant charges, transport charges, medical expenses, extra nourishment in all Rs.20,000/-, total Rs.50,000/- is the just compensation to enhance.

6. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.31,000/- to Rs.50,000/-. The interest at 7.5% p.a. is awarded on the enhanced amount from today i.e., 29.12.2015 only. There is no order as to costs.

7. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA

RAO, J

Date:29-12-2015

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