

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
MACMA MP No.2129 of 2009 in MACMA No.2638 of 2015 &
MACMA No.2638 of 2015

-

COMMON JUDGMENT :

Delay in filing the appeal is condoned.

2) The 1st respondent is not a necessary party to the appeal and at the request of learned counsel for the insurer and the appellant, the appeal taken up for hearing.

3) Heard both sides. Perused the material on record. The parties hereinafter are referred to as arrayed before the Tribunal for the sake of convenience in the appeal.

4) The quantum awarded by the Tribunal only impugning in the appeal. As per Ex.A-2 wound certificate issued by the Government Hospital, Anantapur, the petitioner sustained six injuries, of which one is grievous in nature i.e., lacerated injury around right knee joint region, other are abrasions are contusions simple in nature. P.Ws 2 and 3 are doctors and filed Ex.A-6 disability certificate with reference to Ex.A-5 X-ray in saying that there is a disability of 15% from the petitioner sustained fracture patella right side six years back to the right knee. It is not even correlated to say so called fracture to the right knee related to injury No.1 and from the wound certificate there is nothing to show any fracture the Tribunal in all awarded Rs.34,250/- with interest at 6% p.a. Taking into consideration of the injuries, Rs.15,000/- for grievous injuries and for other simple injuries an amount of Rs.15,000/- in all and an amount of Rs.10,000/- towards medical expenses, transport and attendant charges in total it comes to Rs.40,000/- towards compensation to the injured.

5) In the result, the appeal is partly allowed by enhancing the compensation from Rs.34,250/- to Rs.40,000/-, however the rate of interest on the enhanced amount shall be from the date of appeal till the date of deposit of compensation. In all other respects, the award of the Tribunal holds good. There shall be no order as to costs.

6) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 23-11-2015

ksh