

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.2659 OF 2015

JUDGMENT:

The claimant aged about 21 years preferred this unnumbered appeal aggrieved by the award dated 04.05.2011 passed by the learned Chairman, the Motor Accidents Claims Tribunal-IV Additional District Judge(Fast Track Court), Ranga Reddy, in O.P.No.672 of 2007 filed under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*), for the claim of Rs.4,00,000/- together with interest for sustaining injuries while going on his motor cycle bearing No.AP 11 S 7015 in the accident dated 06.02.2007 caused by the driver of the crime Eicher(DCM) bearing No.AP29 T 2367 belongs to the 1st respondent insured with the 2nd respondent, after contest the Court below since granted Rs.1,86,000/- with interest at 7.5% p.a. fixing joint liability against both the respondents, with the contentions in the grounds of appeal that the quantum of compensation is utterly low and the tribunal failed to consider the disability in determining the compensation and not granted reasonable compensation for pain and sufferings for the injuries sustained by the claimant are both bones of right leg and ankle joint fractures besides blunt injury to abdomen and liver laceration, hence the compensation may be granted as prayed for.

2. The claimant along with the unnumbered appeal filed a petition vide MACMAMP No.4728 of 2011 seeking to condone the delay of 85 days in preferring the appeal and on perusing the reasons assigned, the petition is allowed condoning the delay, directing the registry to number the appeal if it is otherwise in order and at request of both the counsel taken up the appeal for hearing.

3. Heard the learned counsel for the claimant and the 2nd respondent-Insurer but for the 1st respondent-owner it is submitted not a necessary party in the appeal from the expression of **M.Chakra Rao**

v. Y.Baburao ^[1] is taken as heard and perused the material on record.

4. It is the contention of the claimant in the appeal that the compensation granted by the tribunal is utterly low and ought to have been awarded as prayed for. On perusal of the award of the tribunal, it shows that it itself awarded more than just compensation and thereby it no way requires any enhancement from the factual matrix as no merits in the appeal.

5. In the result, the appeal is dismissed with no costs. Consequently, miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 19.11.2015

Vvr

^[1] 2001 (1) ALT 495 DB