

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA MP No.5101 of 2009

IN/AND

M.A.C.M.A.No.2909 of 2015

ORDER :

The petitioner/injured of O.P.No.1058 of 2005 maintained under Section 166 of the Motor Vehicles Act for a compensation of Rs.1,00,000/- for the injuries sustained in the motor accident on 30.08.2004 due to the rash and negligent driving of the Tata Sumo bearing No.AP 35 T 8678 (old No.AP 31 G 7557), driven by the 1st respondent belongs to the 2nd respondent since transferred to 3rd respondent and insured with 4th respondent and the tribunal after contest mainly by the 4th respondent-insurer awarded compensation of Rs.68,000/- vide award dated 30.06.2008. It is impugning the same, present appeal is maintained against respondents (supra).

2. The respondents 1 to 3 remained exparte before the tribunal and even impleaded in the appeal and dismissed for default so far as 2nd respondent on 12.12.2011 that no way fatal to the maintainability of the appeal vide **Meka Chakra Rao vs Yelubandi Babu Rao @ Reddemma**^[1].

3. Heard and perused the material on record. The delay of 280 days in filing the appeal is condoned as the reasons assigned is financial difficulties in maintaining the appeal, subject to condition of not entitled to interest on the enhanced amount till date but from today.

4. At request of both sides, the appeal is taken up for hearing.

5. Now coming to the quantum of compensation, though PW2

is the Doctor as if there is 30% permanent disability from the fracture of the mandible right with co-laceration and restricted movements to right jaw, there is no basis explained much less from his evidence as to the disability is of whole body or for that limb and what is the functional disability there from either on the earnings or on survival, there from what the compensation awarded by the tribunal of Rs.68,000/- by considering some functional permanent disability from the nature of injuries sustained and its impact on the whole of remaining life is very low and hence, it is just to enhance the compensation to Rs.80,000/- and also rate of interest from 6% to 7.5% p.a.

6. Accordingly and in the result, the appeal is partly allowed by enhancing the compensation from Rs.68,000/- to Rs.80,000/-, with interest at 7.5% p.a. which however is awarded on the enhanced amount from today i.e., 29.12.2015 only by upholding the rate of interest on original amount till date. 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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[\[1\]](#) (2001 (1) ALT 495)