

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.698 of 2016

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JUDGMENT:

The injured claimant maintained M.V.O.P. No.817 of 2007 on the file of Motor Accidents Claims Tribunal (V Additional District Judge), East Godavari District at Rajahmundry (for short 'the Tribunal'), under Section 166 of Motor Vehicle Act, 1988 (for short 'M.V Act'), for compensation Rs.1,50,000/-, for the injuries sustained in the accident dated 01.05.2006 and the Tribunal awarded Rs.87,186/- with interest at 7.5% per annum fixing liability against respondents 2 and 3 viz., owner and insurer of lorry bearing No.AP 16Y 6357. Impugning the same, the injured claimant preferred the appeal as the quantum of compensation is utterly low.

2) The M.A.C.M.A. M.P No.763 of 2011 is filed for condoning the delay of 20 days in filing the appeal, is condoned subject to condition that the petitioner is not entitled to interest on the enhanced amount but from today.

3) Heard learned counsel for appellant/ claimant. Respondent No.2—owner of the vehicle remained *exparte* before the Tribunal, even impleaded in this appeal dismissed for default vide ***Meka Chakradhara Rao vs Yelubandi Babu Rao***^[1] and the same is recorded. Respondent No.1 is not necessary party to the present appeal. Perused the material on record.

4) A perusal of the record would show that the injured claimant sustained injuries to the left leg with compound fracture and multiple injuries. The deposition of PW.2—Dr.Aravindam, is unbelievable of the injured was treated by him for six months and he conducted operations, for what he further categorically deposed of originally the injured was admitted in some other hospital and later shifted to SVRR Hospital, Tirupathi. To claim that after discharge therefrom, the injured was again admitted in his hospital and treated for six months and conducted operations, there is no proof by any medical record including to say the injured got permanent

disability of 25% to 30%. The Tribunal, thus, rightly not believed the same in awarding Rs.87,586/- for the injuries, pain and sufferance, medical expenses and treatment with interest at 7.5% per annum thereon.

7) Having regard to the above, from the nature of injuries sustained and period of treatment undergone, medical expenses, extra nourishment, incurred for what all awarded, further for attendant and transport charges to award, it is just to enhance the compensation from Rs.87,186/- (Rupees eighty seven thousand one hundred eighty six only) to Rs.95,000/- (Rupees ninety five thousand only). However, the claimant is not entitled to interest on the enhanced amount but from today. In other respects the award of the Tribunal holds good.

8) Accordingly, the appeal is partly allowed by enhancing the compensation from Rs.87,186/- (Rupees eighty seven thousand one hundred eighty six only) to Rs.95,000/- (Rupees ninety five thousand only). However, the claimant is not entitled to interest on the enhanced compensation but from today. In other respects the award of the Tribunal holds good. No order as to costs.

9) Consequently, miscellaneous petitions, if any pending in this Appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

09.02.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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