

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.452 of 2016

JUDGMENT:

The injured claimant filed the claim petition M.V.O.P. No.991 of 2008 on the file of II Additional District Judge-cum-Chairman, Motor Accidents Claims Tribunal, Visakhapatnam (for short 'the Tribunal') for Rs.1,50,000/- under Section 166 M.V Act for the injuries sustained in the motor accident dated 26.09.2007 due to rash and negligent driving of the driver of the Bolero Jeep bearing No.AP 31 X 2902 of 1st respondent insured with 2nd respondent covered under Ex.B1—policy and the Tribunal passed an award on 27.07.2010 for Rs.30,000/- with interest at 7.5% per annum and it is impugning, the present appeal is maintained.

2) Heard learned counsel for the appellant-claimant.

3) The 2nd respondent even served failed to attend, hence taken as heard. Respondent No.1—owner of the vehicle remained exparte before the Tribunal and even impleaded in this appeal dismissed for default is no way fatal to the maintainability of the appeal ***Meka Charadhara Rao vs Yelubandi Babu Rao***^[1] and the same is recorded.

4) As can be seen from Ex.A2—wound certificate and Ex.A5—CT Scan coupled with evidence of PW.2, the petitioner sustained injury on right side frontal region and occipital regional, which is a head injury described as grievous and the Tribunal in all granted Rs.30,000/- as compensation for the said injury including for the medical expenses covered

under Ex.A6—medical bills and even claimed for loss of earnings, transport charges and extra nourishment disallowed. This Court while sitting in appeal it is just to award Rs.25,000/- for the head injury one at frontal regional and another at occipital region, one of which described as grievous and Rs.5,000/- for medical expenses, Rs.5,000/- towards loss of earnings, Rs.5,000/- towards transport charges and extra nourishment, in all it comes to Rs.40,000/- to which the claimant is entitled.

5) Accordingly and in the result the appeal is partly allowed by enhancing the compensation from Rs.30,000/- (Rupees thirty thousand only) to Rs.40,000/- (Rupees forty thousand only). The enhanced amount shall carry interest at 7.5% per annum from 13.11.2015 only. In other respects the award of the Tribunal holds good. No order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Dt.22.01.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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