

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.M.P.No.1269 of 2011

IN/AND

M.A.C.M.A No.284 of 2016

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JUDGMENT:

Heard. The delay of 279 days in filing the appeal is condoned subject to not entitle to interest on the enhanced amount.

2. Heard learned counsel for the appellant/claimant and learned counsel for respondents 2 and 4. The first respondent and the third respondent, remained *ex parte* before the Tribunal even though impleaded in the appeal, the appeal against them was dismissed for default, which is no way fatal vide expression of the Hon'ble Apex Court reported in **Meka Chakra Rao v. Yelubandi Babu Rao @ Reddemma And others**. The appeal is taken up for hearing.

3. The appellant/claimant made claim under Section 166 of the Motor Vehicles Act, 1988 for Rs.1,50,000/- and the Tribunal awarded an amount of Rs.40,000/- with interest at 7.5% in O.P.No.210 of 2001 on 19.03.2010. The contention in the ground of appeal is that the Tribunal mainly erred in not considering the several contentions in awarding the compensation as prayed for, whereas it is the contention of learned counsel for respondents 2 and 4 that what the Tribunal awarded is just and for this Court while sitting in appeal nothing to interfere with the same and prayed for dismissal of the appeal.

4. So far as the injuries sustained by the claimant, who was examined as P.W.1, they were proved from Ex.A.3-wound certificate that there is a fracture to neck of right femur and a big lacerated injury of 10 x 8 x 2 cms over upper part of forehead besides an abrasion over right shoulder joint. An amount of Rs.25,000/- for fracture to neck, Rs.10,000/- for big lacerated injury and Rs.2000/- for other injury besides that even Rs.10,000/- towards medical expenses and extra nourishment and

Rs.13,000/- towards loss of earnings, attendant charges and transport charges are granted. Thus, in all an amount of Rs.60,000/- is awarded, which is just compensation.

5. Accordingly, M.A.C.M.A.M.P.No.1269 of 2011 is ordered and appeal is partly allowed enhancing the compensation from Rs.40,000/- to Rs.60,000/-, however, not entitle to interest, but for, from today till realization. There shall be no order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

JANUARY 21, 2016

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Date: 21.01.2016

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