

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.735 OF 2008

JUDGMENT:

The injured claimant of O.P.No.347 of 2006 maintained against the owner, transferred owner and Insurer of the jeep bearing No.AP 7401 under Section the Motor Vehicle Act,1988 (*for short, 'the Act'*) on the file of the learned Chairman, Motor Vehicles Accidents Claims Tribunal, Nellore (*for short, 'Tribunal'*), for a claim of Rs.1,00,000/- since awarded by the tribunal of Rs.26,000/- with interest at 7.5%p.a. for the fracture and other simple injuries sustained by him with reference to the evidence on record of P.Ws.1 and 2 and Exs.A.1 to A.7 and X-1 by its award dated 27.12.2007, impugning the said award, the injured maintained the appeal the quantum as utterly low with the contentions that the tribunal ought to have considered the permanent disability of 30%as deposed by the P.W.2 doctor in which there is shortening of right leg and by adopting multiplier method, thereby sought for allowing the claim as prayed for by setting aside the award of the tribunal.

2. Whereas, it is the contention of the learned counsel for the 2nd respondent insurer that the award of the tribunal holds good and there is nothing to interfere with the award of the tribunal for this Court while sitting in appeal.

3. So far as the permanent disability allegedly assessed by the doctor P.W.2 of 13% concerned, there is no basis for finding such disability by him however, it indicates the gravity of the injury which is a fracture to the right thigh besides abrasion thereby taking into consideration of the nature of the injuries, pain and sufferance, loss of earnings during the period of treatment undergone from the disability

from the fracture injury, besides the attendant charges, transport charges and extra nourishment, the compensation of Rs.50,000/- is just to enhance from Rs.26,000/- as awarded by the tribunal.

4. Accordingly and in the result, the appeal is allowed in part by enhancing the compensation of Rs.26,000/- awarded by the tribunal to Rs.50,000/- however confirming the rate of interest at 7.5%p.a. from the date of petition till realization. In other respects, the award of the tribunal holds good. No costs. Consequently, pending miscellaneous petitions, if any, in this appeal, shall stand closed.

Date: 22.09.2016
Vvr

Dr. B. SIVA SANKARA RAO, J

