

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.M.P.No.3903 of 2010

IN/AND

M.A.C.M.A.No.137 of 2016

ORDER:

Heard the learned counsel for the appellant in the un-numbered appeal vis-à-vis the application in MACMA MP No.3903 of 2010, to condone the delay of 99 days in filing the appeal. Though the 2nd respondent-insurer served failed to attend, so also the 1st respondent set exparte before the tribunal and its non-impleadment no way fatal to the maintainability of the appeal vide **Meka Chakra Rao vs Yelubandi Babu Rao @ Reddemma**^[1]. Perused the material on record.

2. For the reasons stated in the affidavit filed in support of the petition, the delay of 99 days in filing the appeal is condoned, subject to condition of the claimant not entitled to interest on any enhanced amount but from today. At request of the appellant, the appeal is taken up for hearing.

3. As per the evidence of the injured-minor girl, represented by her father PW.1 and PW.2, doctor, who treated the injured with reference to Exs.A3 and A4,

case record and discharge summary, there are two grievous injuries which includes fracture of right femur with nailing and there is head injury, scan report shows normal condition and other grievous injury to the forearm. The tribunal

in fact awarded only Rs.25,000/- in all, though injured claimant undergone treatment as in-patient in Kamineni Hospital, as can be seen from the evidence of PW.2 with reference to Exs.A3 and A4.

4. Having regard to the above, for the two grievous injuries including fracture of femur and the other simple head injury, pain and sufferance, attendant charges, transport charges and extra nourishment, awarding of Rs.50,000/- is just with interest at 7.5% p.a.

5. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.25,000/- to Rs.50,000/-. The enhanced amount carries interest at 7.5% p.a. from today only and on the original amount the interest at 7% p.a. holds good. There is no order as to costs.

6. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:20-01-2016

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[\[1\]](#) (2001 (1) ALT 495)