

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.210 OF 2010

JUDGMENT:

The injured claimant, having been aggrieved by the award of the tribunal dated 20.11.2009 in M.V.O.P.No.1166 of 2004 on the file of the learned Chairman, Motor Accidents Claims Tribunal-cum-II Addl. District Judge, Nizamabad, (*for short, 'Tribunal'*), filed u/ ss.161(1)(a), 163(A) and 168 of the Motor Vehicle Act, 1988 (*for short, 'the Act'*), against the Andhra Pradesh State Road Transport Corporation represented by its Managing Director, Musheerabad, Hyderabad and Depot Manager, Bodhan Depot, Nizamabad, for the injuries sustained by him in the accident dated 19.09.2002 caused by the rash and negligent driving of the driver of the bus bearing No.AP-9-Z-4317 belongs to the respondents, for a claim of Rs.2,00,000/- since awarded by the tribunal Rs.53,000/- with interest at 7.5%p.a., preferred this appeal with the contentions in the grounds of appeal that the compensation awarded by the tribunal is utterly low and the same may be granted as prayed by setting aside the award of the tribunal.

2. The learned counsel for the appellant-claimant submitted that the injured claimant sustained multiple injuries including fractures and there is evidence of Doctor T.Narsingh Rao, Government hospital, Nizamabad as providing treatment and the tribunal failed to consider his evidence.

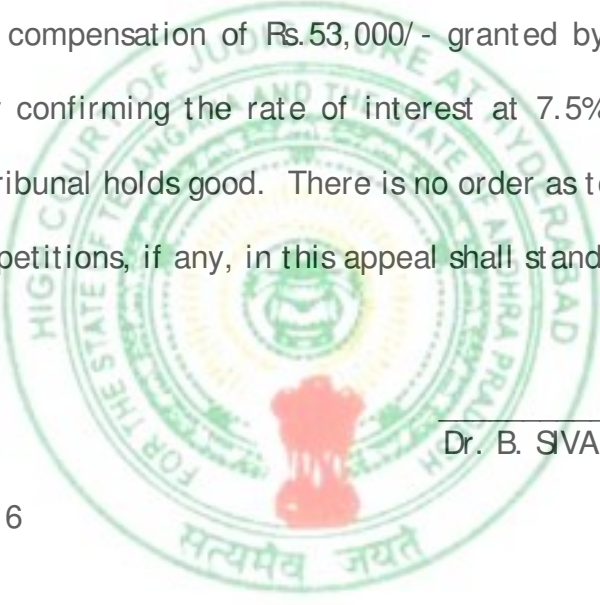
3. Whereas, it is submission of the learned counsel for the respondents-APSRTC that the award of the tribunal holds good but for no cross-objections there is nothing to enhance.

4. Heard and perused the material on record.

5. The claim petition averments show that the injured-claimant sustained as if multiple injuries including skull injury. The evidence of

P.W.2 doctor and the injury certificate Ex.A.3 show there is no skull injury and what are the injuries even deposed by the P.W.2 with reference to Exs.A.3 that condyler fracture right humorous, the fracture on left ileum and abrasion over the buttocks. The tribunal awarded for the said injuries including medical expenses, extra nourishment, transport and attendant charges of Rs.53,000/- but for to add Rs.3,000/- if at all for loss of earnings for one month, but there is nothing to interfere with the award of the tribunal beyond that to enhance, for this Court while sitting in appeal.

6. Accordingly and in the result, the appeal is partly allowed by enhancing the compensation of Rs.53,000/- granted by the tribunal to Rs.56,000/- by confirming the rate of interest at 7.5%p.a. Rest of the award of the tribunal holds good. There is no order as to costs. Pending miscellaneous petitions, if any, in this appeal shall stand closed.



Dr. B. SIVA SANKARA RAO, J

Date:01.11.2016
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