

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.675 of 2010

JUDGMENT:

The injured claimant, who maintained MVOP No.47 of 2007 for a compensation of Rs.3,50,000/- under Section 166 of the Motor Vehicles Act (for short 'the Act') by amending from original claim of Rs.2,50,000/- against the owner and insurer of D.C.M.Lorry bearing No.AP 31U 0518, from the contest by the insurer and owner, having held that the accident was the result of rash and negligent driving of the driver of the crime lorry of the 1st respondent insured with the 2nd respondent, awarded compensation of Rs.1,88,000/- with interest at 9% p.a. and impugning the said quantum as utterly low, maintained the appeal.

2. Heard the learned counsel for the claimant and also the learned Standing Counsel for the insurer. Perused the material on record.

3. The medical bills filed from the Apollo Hospital discharge summary and final bill is very clear of Rs.1,00,000/- sum is awarded by the tribunal, there is no way required any further enhancement which includes from the evidence of PW.2 removal of K-wire, thereby no operation is further required. The injuries sustained are b-malleolar fracture of right leg, fracture of 5th metatarsal and deglove injury to the right foot only, what the tribunal awarded of Rs.1,88,000/- includes for the injuries of Rs.10,000/- + Rs.10,000/- + Rs.20,000/- are more than enough

including loss of earnings, transport and attendant charges, extra nourishment, thereby, there is nothing to enhance.

4. Accordingly, the appeal is dismissed. No order as to costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:15.12.2016

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