

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.307 of 2010

JUDGMENT:

The appellant-RTC aggrieved by the award passed on 30.10.2008 in O.P. No.181 of 2005 on the file of V Additional District Judge-cum-Motor Accidents Claims Tribunal, Nellore (for short 'the Tribunal'), which is maintained by the appeal respondent as claimant under Section 166 of the Motor Vehicle Acts, 1988 (for short 'M.V.Act') for a compensation of Rs.1,50,000/- for the injuries sustained in the motor accident and from the contest by RTC, the Tribunal awarded Rs.1,00,000/- with interest at 9% per annum by fixing liability on respondent, impugning the same, maintained the appeal.

2) Heard learned standing counsel for RTC and learned counsel for respondent/ claimant. Perused the material on record.

3) A perusal of the evidence of PWs.1 & 2 with reference to Exs.A1 to A12 clearly show from out of several injuries, the claimant sustained fracture to right femur, grievous injury on right thigh, over chest, swelling over the middle of the right thigh, pain over the chest and abrasion over the left thigh. An operation was conducted by PW.2 for the femur fracture but the Tribunal did not believe the so-called incurring of Rs.1,50,000/- as medical expenses under Ex.A10 as some of the bills were not supported by prescriptions. After considering the material on record, the Tribunal awarded compensation of Rs.1,00,000/- for the injuries sustained in the accident, pain and sufferance, loss of earnings, attendant and transport charges, extra nourishment and medical expenses. Once such is the case, for this Court while sitting in appeal there is nothing to interfere.

4) Accordingly and in the result, the appeal is dismissed by confirming the award passed by the Tribunal. No order as to costs.

5) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dt.27.10.2016
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Dr. B. SIVA SANKARA RAO, J



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Date: 27.10.2016

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