

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.331 OF 2010

JUDGMENT:

The injured claimant of O.P.No.502 of 2007 maintained under Section 166 of the Motor Vehicle Act, 1988 (*for short, 'the Act'*) on the file of the learned Chairman of the Motor Accidents Claims Tribunal—cum-Judge, Family Court, Nellore (*for short, 'Tribunal'*), for compensation of Rs. 4,00,000/- against respondent for the injuries sustained, in the motor accident dated 07.11.2003, from the contest of the respondent having heard that the accident was result of the rash and negligent driving of the driver of the respondent, the tribunal by its award dated 02.12.2009 granted compensation of Rs.90,000/- with interest @ 7.5% per annum. Thus, he preferred the present appeal impugning said award of the Tribunal for enhancement.

2. Learned counsel for the appellant drawn the attention of the Court on several contentions raised in the grounds of appeal and sought for allowing the claim as prayed for, so also with enhancement of rate of interest.

3. Heard learned counsel for the appellant and even the respondent\APSRTC failed to appear, hence, taken as heard and perused the material available on record.

4. No doubt there is a right femur fracture and still implants were inserted and it requires second operation. As per the evidence of PW.2, who is Orthopedic Surgeon of Vijaya Health Centre, Chennai where the appellant was admitted as inpatient on 09.11.2003 and discharged on 26.11.2003 and operated on 11.11.2003 and for the right eyebrow injury, structures were applied and removed on 24.11.2003. From the said evidence what PW.2 deposed is discomfort to the right hip for the free

walk and that he did not even depose that he has any permanent disability muchless partial.

5. Having regard to the above and from the medical expenses incurred not only in Vijaya Health Centre at Chennai, but also in Bollineni Super Specialty Hospital, Nellore, it is just to enhance the compensation of Rs.90,000/- to Rs.1,00,000/-.

6. Accordingly and in the result, the appeal is allowed-in-part by enhancing the compensation of Rs.90,000/- awarded by the Tribunal to Rs.1,00,000/-, however, by confirming the rate of interest @ 7.5% per annum. Rest of the award holds good. There shall be no order as to costs. Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Date: 28.10.2016
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Dr. B. SIVA SANKARA RAO, J

