

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. M.P. No. 644 OF 2011

IN/ AND

M.A.C.M.A. No.505 of 2016

-

JUDGMENT:

The injured claimant filed the appeal having been aggrieved by the order/ award passed on 17.09.2009 in O.P. No.2767 of 2008 on the file of Motor Vehicles Accidents Claims Tribunal – cum- III Additional Chief Judge, City Civil Court, Hyderabad (for short ‘the Tribunal’) under Section 166 of M.V. Act for Rs.2,00,000/- for the injuries sustained in the accident dated 08.7.2007 and the Tribunal awarded Rs.79,000/- with interest at 7.5% per annum with joint liability against the owner and insurer of the jeep bearing No.AP 22U 8487. It is impugning the said quantum and also the rate of interest at 7.5% per annum is utterly low, present appeal is filed by the claimant.

2) Heard learned counsel for appellants.

3) The respondent No.2—insurer even served failed to attend hence taken as heard. Respondent No.1 remained exparte before the Tribunal and even impleaded in this appeal dismissed for default is no way fatal to the maintainability of the appeal Meka Charadhara Rao vs Yelubandi Babu Rao ^[1] and the same is recorded.

4) The delay of 307 days in filing the appeal is condoned.

5) At request of learned counsel for appellant, the appeal is taken up for hearing. Heard and perused the material on record.

6) As per Ex.A3—certified copy of MLC coupled with evidence of PW.2—Dr.M.Poornaiah, show that PW.1—injured sustained fracture of left 7th and 8th ribs besides lacerated injury, which are described as grievous. It is only from the evidence in making the claim of Rs.2,00,000/- and the Tribunal therefrom awarded in all Rs.79,000/- with interest at 7.5% per annum.

7) Having regard to the above, there is nothing to say the compensation awarded by the Tribunal is utterly low, in fact it is exorbitant but for no cross objections.

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

9) Consequently, miscellaneous petitions, if any pending in this Appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

29.01.2016
knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

-
-
-
-

-
-
-
-
-
-
-
-
-
-
-

M.A.C.M.A. M.P. No. 644 OF 2011
IN/ AND
M.A.C.M.A. No.505 of 2016

Date: 29.01.2016

KnI

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