

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.225 of 2010

JUDGMENT:

The injured claimant of O.P.No.235 of 2006 maintained the claim under Section 166 of the Motor Vehicles Act, for a compensation of Rs.80,000/- for the injuries sustained by him in motor accident dated 26.02.2006 involving the lorry of the 1st respondent insured with the 2nd respondent, since awarded by the tribunal of Rs.60,000/- with interest at 7.5% p.a. on 07.04.2009, impugning the said quantum as utter low maintained the appeal.

2. Heard both sides and perused the material on record including the respective contentions in respect of grounds of appeal by the learned counsel for the appellant with reference to the evidence of PW.2, so called doctor with disability certificate-Ex.A7 and the learned counsel for the insurer with reference to award of the tribunal in supporting.

3. In fact, a perusal of Ex.A2-wound certificate issued by the Government Hospital, where the injured was admitted initially and referred to Head Quarters Hospital and after taking X-ray on 27.02.2006 opined that there is not only fracture of right femur shaft and abrasion on right elbow joint. Once such is the case, for referring as if sustained

several fractures with several injuries by PW.2 much less of 40%disability, there is no basis.

4. Having regard to the above, from the evidence when the tribunal arrived conclusion in awarding Rs.60,000/- as compensation with interest at 7.5%p.a. there is nothing to interfere, much less to enhance.

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

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

Dr. B. SIVA SANKARA RAO, J

Date:24.10.2016
pab

