

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.571 OF 2008

JUDGMENT:

The injured claimant of O.P.No.274 of 2003 on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum-Il Addl. District Judge, Nizamabad, (*for short*, '*Tribunal*'), filed u/ s. 166 of the Motor Vehicle Act, 1988 (*for short*, '*the Act*'), for compensation of Rs.3,00,000/- against the owner and Insurer of the Auto bearing No.AP 25 U 415 for the injuries sustained by him in the motor accident caused by the said auto due to the rash and negligent driving of the driver of the auto, for the tribunal from the evidence on record, by its award dated 22.01.2003 awarded compensation of Rs.50,000/- with interest at 7.5%p.a. fixing joint liability against both the respondents, impugning the quantum as utterly low maintained the present appeal.

2. The 1st respondent owner of the auto, who remained *exparte* before the tribunal, did not choose to appear and the 2nd respondent-Insurer even served failed to attend.

3. Heard and perused the material on record.

4. Even there is no basis to believe the evidence of P.W.2 V.Akhilesh, private doctor, the disability certificate Ex.A.5 issued by P.W.2 shows 20% of disability, the tribunal placed reliance on the so called medical certificate Ex.A.3 issued by T.Narsinga Rao who was not examined. On perusal of the record shows he sustained two fractures and abrasion, thereby what the tribunal awarded of Rs.50,000/- for the said injuries, including pain and sufferance, it is just to enhance to Rs.60,000/- for attendant and transport charges, treatment and medical expenses and loss of earnings.

5. Accordingly and in the result, the appeal is allowed in part by enhancing the amount of Rs.50,000/- granted by the tribunal to Rs.60,000/- however confirming the rate of interest at 7.5% p.a. In other respects the award of the tribunal holds good. There is no order as to costs. Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 16.09.2016
Vvr

