

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.4304 of 2008

JUDGMENT:

The injured claimant for the alleged injuries, from the alleged injury certificate-Ex.A3 obtained from Dr. V.Akhilesh-PW.2, maintained the claim. In fact, the said Dr. Akhilesh is a person of doubtful integrity, by issuing fake certificates in the names of the Government Hospital, thereby much credence cannot be given to his evidence. The Tribunal from the evidence on record came to the conclusion of claimants sustaining of fracture injuries and awarded compensation of Rs.42,650/- with interest @ 7.5% per annum vide award dated 28.11.2007 in O.P.No.161 of 2005. Impugning the said award, the claimant preferred the appeal contending that the compensation awarded by the Tribunal as utterly low to enhance.

It is represented that respondent No.1 remained exparte before the Tribunal, not a necessary party to the appeal vide **Meka Chakra Rao V. Y.Babu Rao**¹ and the same is recorded. Sri Ravi Shankar Jandhyala, learned Standing Counsel appearing for the 2nd respondent insurance company.

Heard and perused the material on record.

A perusal of the wound certificate shows there are 2 ribs, clavicle lateral 1/3rd and forearm, fractures. The accident was dated 12.08.2004. Taking into consideration of the same Rs.10,000/- for 2 rib injuries and Rs.20,000/- each to the clavicle and forearm injuries and medical expenses and attendant charges of Rs.10,000/-, which comes to Rs.60,000/-, is the just compensation to which the claimant is entitled.

¹ 2001(1) ALT 495 (DB)

Accordingly and in the result, the appeal is partly allowed by enhancing the compensation from Rs.42,650/- to Rs.60,000/- with same rate of interest. In other respects, the award of the Tribunal holds good.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.08.2016
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