

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.AC.M.A. No.2930 of 2005

JUDGMENT:

The 2nd respondent—insurer among the two respondents including the owner of auto bearing No. AP 25 T 3338, maintained the appeal impugning the award dated 10.12.2004 in O.P. No.89 of 2001 on the file of III Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal') maintained by respondent herein as sole claimant under Section 166 of Motor Vehicles Act, 1988 (for short 'M.V Act') for a compensation of Rs.6,00,000/- for the injuries sustained in the motor accident dated 25.06.2000 with the averments that while the injured standing on the road waiting for bus in Nizampet Village bus stop, a luggage auto bearing No.AP 25 T 3338 coming from Ramayampet side in a rash and negligent manner dashed against a TVS motor cycle bearing No.AP B 5003 and the auto fell down in a pit on the road side for which he sustained injuries. The Tribunal, taking permanent disability of 45% from the evidence of PW.2 coupled with Ex.A13—certificate that was issued by him and confirmed the issue of Ex.A12—certificate of disability issued by the Civil Assistant Surgeon, Area Hospital, Kamareddy arrived at the compensation of Rs.2,30,000/- with interest at 6% per annum.

2) Heard learned standing counsel for appellant and learned counsel for respondents/ claimants. Perused the material on record.

3) The accident was dated 25.06.2000. The Tribunal taken the earnings of the injured at Rs.15,000/- per annum only and not even Rs.30,000/- per annum as the claim is under Section 166 of M.V Act but one of the grounds taken is Ex.A10—medical bill of Rs.60,000/- issued by CDR Hospital is excessive and that was not properly taken into consideration by the Tribunal. Once the quantum awarded is justifying even otherwise from the earnings to be taken at Rs.3,000/- per moth as per **Latha Wadhwa vs State of Bihar**^[1] there is nothing to interfere with the award of the Tribunal either on the quantum or finding of the joint liability.

4) Accordingly and in the result, the appeal is dismissed. No order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Dt.15.07.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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