

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.255 of 2010

JUDGMENT:

The injured by name, K.Venkateswarlu of the motor accident dated 03.08.2003 subsequently died, no doubt, not because of the injuries sustained viz., lacerated wound over the right eye brow, abrasion over the lateral aspect of left eye and abrasion over the right eye brow, from X-ray shows no bone injuries and the said K.Venkateswarlu was treated in Government General Hospital, Guntur, for three days as in-patient and from Ex.A3-wound certificate, he sustained one grievous injury and two simple injuries, the claim was maintained by his major sons under Section 163-A of the Motor vehicles Act (for short 'the Act') for a compensation Rs.1,00,000/-.

2. After contest by the insurer from the 1st respondent-owner of the lorry bearing No.AP 16U 6488 not filed written statement even originally filed vakalat, awarded compensation of Rs.9,000/- with interest at 8% p.a. holding that the accident was the result of the rash and negligent driving of the driver of the lorry for no fault of the injured since died supra. It is the quantum now impugned in the

appeal against the award dated 13.08.2008 in M.V.O.P.No.669 of 2004.

3. The respondent even served failed to attend and taken as heard for the respondents. Heard the learned counsel for the appellants.

4. Taking into consideration of the three injuries, one is even fracture as grievous but minor grievous injury, what the tribunal awarded of Rs.9,000/- with interest at 8% p.a. is modified to Rs.20,000/- with interest at 7.5% p.a. from the date of petition till realization. In other respects, the award of the tribunal holds good.

5. Accordingly, the appeal is partly allowed. There is no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Date:26.10.2016
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