

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.3182 OF 2008

JUDGMENT:

The injured claimant filed O.P. No.683 of 2000 on the file of Motor Accidents Claims Tribunal – cum – II Additional District Judge, Mahabubnagar (for short ‘the Tribunal’) against two respondents i.e., owner and insurer of jeep bearing No.AHH 2429 for a compensation of Rs.1,00,000/- under Section 166 of M.V.Act (for short ‘the Act’) for the injuries sustained in the accident dated 15.01.2000, from the contest by the 2nd respondent—insurer, having held that the accident was the result of rash and negligent driving of the driver of the jeep and respondents are liable to compensate referring to the evidence of the injured as PW.3 and Ex.A7—wound certificate, which reflects a fracture near right spinal region and two contusions and one laceration at right wrist, since awarded only Rs.25,000/- with interest at 7.5%per annum, the injured claimant maintained the appeal with the contentions that the Tribunal ought to have awarded the compensation as prayed for.

2) Whereas, it is the contention of the learned standing counsel for insurer that the award of the Tribunal holds good and for this Court while sitting in appeal there is nothing to interfere more particularly for no additional report to file much less to show complication therefrom.

3) Heard learned counsel for appellant—claimant and learned standing counsel for insurer. Respondent No.1 owner of the zeeep, remained exparte before the Tribunal even impleaded in this appeal is no way fatal to the maintainability of appeal vide *Meka Chakra Rao vs Yelubandi Babu Rao*¹. Perused the material on record.

4) The fact that there is a fracture noted from the medical certificate issued in favour of PW.3, is not in dispute. RW.1 in this regard even not filed the original record, thereby taking into consideration of the said fracture with three simple injuries including for medical expenses, treatment, attendant charges, Rs.30,000/- is the just compensation.

5) Accordingly and in the result, the appeal is allowed in part by enhancing the compensation from Rs.25,000/- (Rupees twenty five thousand only) to Rs.30,000/- (Rupees thirty thousand only) with interest at 7.5%per annum from the date of petition till realisation. In other respects the award of the Tribunal holds good. No order as to costs.

6) Consequently, Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.18.08.2016
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¹ 2001 (1) ALT 495 DB

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Date:18.08.2016

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