

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.727 of 2008

JUDGMENT :

The appellant is the injured, maintained O.P. No.652 of 2005 under Section 166 of the Motor Vehicles Act, for a compensation of Rs.2,50,000/- against the owner and insurer of the Ambassador car bearing No.AP 27 T 2809 with averments made in the claim petition of while he was going on Hero Honda bike along with one Sunder Singh rider, the car of 1st respondent insured with the 1st respondent, while coming in opposite direction dashed the bike, as a result of which he sustained injuries viz., right knee, right foot, right thigh, right toe, right elbow and was treated in Government Hospital, Bhimavaram and from the contest of the injured and the finding of the Tribunal of the accident was the result of the rash and negligent driving of the ambassador car driver, the Tribunal awarded of compensation of Rs.22,000/- with interest at 7.5% p.a. vide award dated 05.12.2007 and the appeal is filed questioning the said quantum as utterly low. Learned counsel for the appellant reiterated the same during the course of arguments. Whereas, it is the submission of the learned counsel for the 2nd respondent/insurer that the award of the Tribunal holds good and for this Court, while sitting the appeal,

there is nothing to interfere as Ex.A-2 wound certificate shows only simple injuries.

2) Heard both sides and perused the material on record.

3) The Tribunal believed the evidence of P.W-2 with reference to Ex.A-11, wound certificate of Bhimvaram Hospital issued by him though Ex.A-2 speaks of simple injuries the same shows for the two fractures there was operation conducted.

4) Having regard to the above, what the Tribunal awarded of Rs.15,000/- for the injuries requires enhancement to Rs.30,000/- apart from Rs.3,000/- towards attendant charges, transport charges, loss of earnings, though not other respects the award of the Tribunal holds good and to make the compensation of Rs.22,000/- be enhanced to Rs.40,000/-.

5) In the result, the appeal is partly allowed by enhancing the compensation from Rs.22,000/- to Rs.40,000/-. Rest of the terms of the award of the Tribunal holds good. There shall be no order as costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

27.09.2016

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