

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

**M.A.C.M.A No.116 OF 2010**

**JUDGMENT:**

The injured claimant maintained M.O.P. No.150 of 2004 on the file of Motor Accidents Claims Tribunal – cum –District Judge, Visakhapatnam, (for short ‘the Tribunal’) against two respondents i.e., owner and insurer of auto bearing No.AP 35 T 6281 for a compensation of Rs.3,00,000/- under Section 166 of M.V.Act (for short ‘the Act’) for the injuries sustained by him in the motor accident dated 19.03.2003. From the contest by the 2<sup>nd</sup> respondent—insurer, on 26.06.2008 the Tribunal having held that the accident was the result of rash and negligent driving of driver of auto of 1<sup>st</sup> respondent insured with 2<sup>nd</sup> respondent, awarded compensation of Rs.35,000/- with interest at 7.5% per annum. Impugning the said quantum and rate of interest as utterly low, the injured claimant maintained the present appeal.

2) Respondent No.1—owner of the auto even served not chosen to appear. Hence taken as heard. Heard learned counsel for appellant and learned standing counsel for insurer. Perused the material on record.

3) The factum of finding of the Tribunal is that the accident was the result of rash and negligent driving of the driver of the auto, who dashed the scooterist—injured, no way requires interfere on the finding of the Tribunal but for on the quantum.

4) A perusal of Ex.A3—wound certificate shows the petitioner sustained fracture of lower end of both bones of right leg, crush injury to right heel, and unable to move right little finger and was undergoing treatment in Government Hospital, Vizianagaram. Thereafter, treated in Saint Joseph’s hospital from 21.03.2003 to 09.04.2003 and again admitted in the hospital on 10.04.2003 and discharged on 05.05.2003

Ex.A5—bunch of medical bills shows the injured incurred about Rs.20,000/-.

5) Having regard to the above, for the pain and sufferance of both bones of right leg Rs.25,000/-, for crush injury to right heel and no moment of little finger Rs.25,000/-, medical bills and estimation from the bills produced even considering wrong to that extent Rs.15,000/-, loss of earnings, transport charges, extra nourishment Rs.10,000/-, in all it comes to Rs.75,000/-, to which the injured claimant is entitled to.

6) Accordingly and in the result the appeal is partly allowed by enhancing the compensation from Rs.35,000/- (Rupees thirty five thousand only) to Rs.75,000/- (Rupees seventy five thousand only) along 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.

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

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**Dr. B. SIVA SANKARA RAO, J**

Dt.19.10.2016  
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