

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

MACMA No. 4443 of 2008

JUDGMENT :

The injured-claimant, teacher by avocation, maintained the claim against respondents 1 and 2 owner and insurer of tractor bearing No.AP 22 T 2046 claiming that on 06.03.2006 he along with other passengers traveling in the auto bearing No.AP 22 V 3837 at Kotha Thanda, the opposite coming tractor belongs to the 1st respondent insured with the 2nd respondent dashed, as a result of which he sustained injuries vide Crime No.69 of 2006 of Jadcherla Police Station that he undergone treatment at the Government Hospital, including at N.I.M.S, spent huge amounts, he suffering and what the Tribunal awarded of Rs.74,801/- with interest at 6%p.a. vide award dated 25.07.2008 in O.P. No.956 of 2006 as utterly low, to enhance.

2) Whereas, it is the contention of the learned counsel for the insurer that the award of the Tribunal holds good and for this Court while sitting in the appeal, there is nothing to interfere.

3) Heard and perused the material on record.

4) The evidence on record including of P.W-2, doctor, who treated including at N.I.M.S, clearly speaks that he

sustained third to ninth ribs with left Haemothorax fractures, besides fracture of left clavicle, fracture of right humerus and there is blackishness of the left eye from the injury and he was treated as inpatient. Even taking into consideration of these injuries, though there is no medical evidence of he suffered any permanent disability or any promotional prospects, it is just to enhance the compensation including medical expenses, treatment, transport charges, attendant charges, extra nourishment to a tune of Rs.1,00,000/-, however, by enhancing the rate of interest from 6%p.a. to 7.5%p.a.

5) In the result, the appeal is partly allowed by enhancing the compensation from Rs.74,801/- to Rs.1,00,000/- and also enhancing the rate of interest from 6% p.a. to 7.5% p.a. Rest of the terms of the award of the Tribunal holds good. There shall be no order as to costs. Pending miscellaneous petitions, if any, in both the appeals shall stand cancelled.

Dr. B. SIVA SANKARA RAO, J

06.09.2016
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