

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.1484 OF 2005

JUDGMENT:

This is an appeal filed by the claimant aggrieved by the order dated 27.07.2004 in M.V.O.P.No.54 of 2003 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Kurnool.

2) The clam petition was filed by the injured claimant by name Sunkulamma, who is minor, under Section 166(a) of the Motor Vehicles Act seeking compensation for an amount of Rs.1,00,000/- for the injuries sustained by her in the motor accident which took place on 31.12.2001 at about 1.00 P.M at the bus stand of Gosanipalli village.

3) The learned Chairman after hearing both sides and after perusing the material on record held that the accident took place due to the rash and negligent driving of the driver of the car bearing No.AP 21 H 126 which was insured with the 2nd respondent and awarded an amount of Rs.20,000/- with interest at 9% p.a. towards compensation to the petitioner/injured.

4) The appeal filed mainly on the ground that the compensation is utterly low and prayed to enhance the same for the injuries caused in the motor accident.

5) Heard both sides and perused the material on record. The material on record shows that the injured, unmarried, sustained fracture to the left leg and also three simple injuries. The evidence on record clearly shows that the claimant undergone treatment as inpatient. Therefore for medical expenses, treatment besides requirement of attendant charges, transport charges, extra nourishment and for the pain and sufferance another Rs.20,000/- is required apart from the amount awarded by the Tribunal. Rate of interest awarded by the Tribunal shall be reduced from 9% p.a. to 7.5% p.a which shall be from the date of

appeal till the date of realization.

6) In the result, the appeal is partly allowed enhancing compensation from Rs.20,000/- to Rs.40,000/- by reducing the rate of interest from 9% p.a. to 7.5% p.a. and the reduced rate of interest shall be applicable from the date of appeal till the date of realization on the enhanced amount. Rest of the terms of the award of the Tribunal holds good. There shall be no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Date: 22-02-2016

ksh