

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CMA No.4233 OF 2004

JUDGMENT:

The injured-claimant in O.P.No.463 of 2002 on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum- District Judge, Adilabad (*for short*, '*Tribunal*'), filed u/s.166 of the Motor Vehicle Act,1988 (*for short*, '*the Act*'), for a claim of Rs.1,00,000/- against the owner and insurer of the Tipper bearing No.AP 16 U 1346, for sustaining injuries in the motor accident dated 07.11.2001 caused by rash and negligent driving of the driver of the said Tipper while the claimant was proceeding in a jeep bearing No.MH 31 G 3338 along with others, since the tribunal awarded of Rs.51,000/- with interest at 9%^{p.a.} vide common award dated 11.08.2003, maintained the present appeal with the contentions in the grounds of appeal that the tribunal gravely erred in not awarding the compensation as prayed for though there is sufficient documentary evidence showing the medical expenses incurred by the claimant covered by the bills of Rs.72,000/- under Ex.A.8 and wound certificate Ex.A.7 issued by the Government Hospital, Manchiryal and from Ex.A.10 medical certificate issued by a private hospital, thereby the tribunal ought to have awarded compensation as prayed for.

2. Whereas, it is the contention of the learned counsel for the 2nd respondent-Insurer, from the 1st respondent who remained exparte before the tribunal even impleaded and served notice did not turn up and dismissed for default, no way fatal to its maintainability as per Meka Chakrarao v. Yelubandi Baburao¹, that the award of the tribunal holds good and for this Court while sitting in appeal, there is nothing to interfere.

¹ 2001 (1) ALT 495 DB

3. Perused the material on record.

4. The petitioner is admittedly a public servant working as Revenue Inspector at the time of accident and there is nothing to show he is not entitled to medical reimbursement much less any certificate of not claimed reimbursement and there is nothing even to show he has suffered any loss of earnings, by applying leave other than half pay or medical leave, for the entitlement to consider any loss of earnings but for to the pain and suffering, attendant charges and transport charges etc., and what the tribunal awarded of Rs.51,000/- thereby requires to be enhanced only to Rs.60,000/- but nothing more. Having regard to the above, there is nothing to interfere with the award of the tribunal for this Court while sitting in appeal.

5. Accordingly and in the result, the appeal is allowed in part by enhancing the compensation amount of Rs.51,000/- to Rs.60,000/- by confirming the rate of interest from the date of petition till realization. Rest of the award holds good. There is no order as to costs in the appeal. Consequently, pending miscellaneous petitions, if any, in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:17.08.2016

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