

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.5058 of 2008

JUDGMENT:

The appellant is the claimant in O.P.No.695 of 2002 for Rs.50,000/- under Section 166 of the Motor Vehicles Act, for the injuries sustained in the motor accident dated 20.09.2002 of the tractor and trailer bearing Nos.AP-22-U-2137 and AP-22-U-2138 of respondent No.1 insured with 2nd respondent and the allegation that while he was proceeding on his bike, due to rash and negligent driving of the driver of the vehicle of respondent No.1 supra, by taking a sudden right dashed the bike, as a result of which, he sustained injuries and was treated in SVS Hospital as inpatient for about one week and spent about Rs.10,000/-. The Tribunal considering that for the grievous injury shows the traumatic amputation for right little toe and other simple, awarded compensation of Rs.8,500/- though even from order in answering issue No.2 Para 7, mentioned entitlement of Rs.11,000/- and even there is no basis, deducted Rs.2,500/- allegedly and contributed to the accident, for no evidence from the respondents much less anything worth from cross examination of PW.1 and Exs.A1 and A3-FIR and Charge sheet show it is the negligence of the driver of the crime vehicle that resulted in accident, for no fault of the injured claimant. As petitioner personally appears, there is no amputation, but for cut injury with little shortening, thereby considering the same, a compensation of Rs.25,000/- is awarded including medical expenses, treatment, attendant and transport charges for the grievous and the 2 more simple injuries with interest @ 7.5% per annum.

Accordingly and in the result, the appeal is partly allowed by enhancing the compensation from Rs.8,500/- to Rs.25,000/- with interest @ 7.5% per annum. In other respects, the award of the Tribunal holds good.

Consequently, miscellaneous petitions, if any shall stand

closed. No costs.

Date: 29.08.2016
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JUSTICE Dr. B.SIVA SANKARA RAO