

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.103 of 2010

JUDGMENT:

The injured claimant is the house wife, aged about 35 years, for the injuries sustained in the motor accident dated 09.09.2007, maintained the claim against the owner and insurer of the car bearing No.AP 21G O369, for a compensation of Rs.4,00,000/- under Section 166 of the Motor Vehicles Act and the tribunal awarded Rs.57,000/- with interest at 8% p.a., in M.V.O.P.No.194 of 2008 dated 07.09.2009 and impugning the said quantum as utterly low, maintained the appeal.

2. Heard the learned counsel for the appellant/injured claimant and also the 2nd respondent-insurer, from the 1st respondent failed to attend and taken as heard and perused the material on record.

3. Even as per Ex.A3-wound certificate with reference to Ex.X1-Discharge summary and evidence of PW.2-Doctor, who treated the injured claimant stated that she sustained fracture of right femur, fracture of left tibia, fracture to right ankle and commuted fracture of left humerus and there was operation conducted for the fractures including by screw and nailing and she was discharged on 14.10.2007, to say that she was in-patient from 09.09.2007 to 14.10.2007, for more than

one month. Though PW.2-doctor deposed about permanent disability to the left upper limb of 25% it cannot be given credence, as the disability to be taken for the whole body functional disability and not for a single limb, what she further deposed she is unable to carry any weights with left hand from the fracture of humerus, there is mal-union.

4. Thus, taking into consideration of the above, for the first three fractures, Rs.20,000/- each, for the commuted fracture of left hand from mal-union unable to lift weights an amount of Rs.35,000/- including for the partial disability of permanent nature if any and Rs.10,000/- towards transport charges, attendant charges and loss of earnings, in total Rs.1,05,000/- is the just compensation to enhance from Rs.57,000/-, however, by reducing the rate of interest from 8% to 7.5%

5. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.57,000/- to Rs.1,05,000/- with interest at 7.5% p.a. from the date of petition till realization. There is no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:20.10.2016
pab