

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.212 of 2010

JUDGMENT:

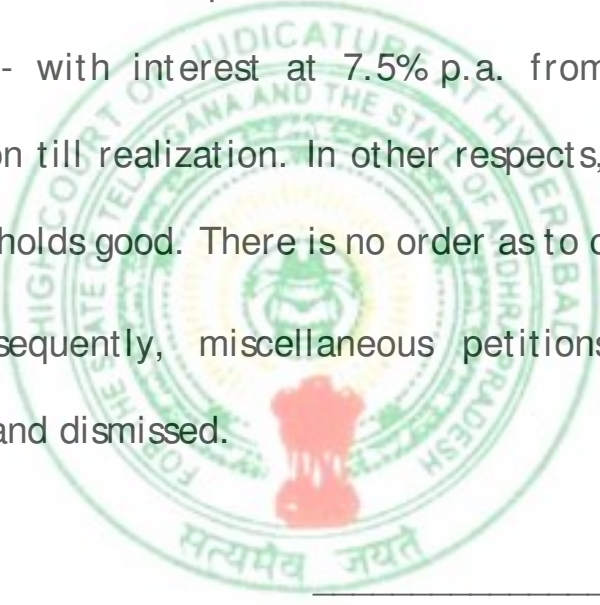
The injured claimant, who maintained MVOP No.851 of 2007 under Section 166 of the Motor Vehicles Act (for short 'the Act'), for a compensation of Rs.5,00,000/- for the alleged rash and negligent driving of the driver of the bus of the 1st respondent insured with the 2nd respondent bearing No.AP 05Y 2477 stating that while he was going on his motor cycle on 26.03.2007 from Gorantla to Guntur, a city bus came from behind in a rash and negligent manner and dashed the bike of the injured. As a result, he fell down and left side tyre of the bus ran over his left leg and he sustained multiple injuries and after contest by the 2nd respondent-insurer from the 1st respondent remained ex parte, the tribunal having held that the accident was the result of rash and negligent driving of the driver of bus for no fault of the injured-cum-bike rider, awarded compensation of Rs.2,37,100/- with interest at 8% p.a. which includes medical expenses of Rs.85,000/- besides Rs.45,000/- and Rs.1,07,100/- for pain and sufferance for the three grievous injuries and the disability stated by the Doctor-PW.2 orally without certification of 35%in taking 25%in fact though 25% is also with no basis. So far as said quantum concerned, it no way requires interference of Rs.1,52,100/-

towards the disability suffered from the three injuries including a crush injury and for pain and sufferance.

2. However, there is no additional sum awarded towards loss of earnings during the period of treatment, transport charges and attendant charges. Hence, it requires to enhance to Rs.2,50,000/- . The rate of interest is reduced from 8% to 7.5%p.a. from the date of claim petition till realization.

3. Accordingly, the appeal is partly allowed by enhancing the compensation from Rs.2,37,100/- to Rs.2,50,000/- with interest at 7.5% p.a. from the date of claim petition till realization. In other respects, the award of the tribunal holds good. There is no order as to costs.

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



Dr. B. SIVA SANKARA RAO, J

Date:22.11.2016
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