

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.3994 OF 2008

JUDGMENT:

The 2nd respondent—insurer among two respondents including the owner of the jeep bearing No.AP 03 D0639, in M.V.O.P. No.550 of 2004 on the file of Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Tirupathi, (for short 'the Tribunal') which was maintained by injured claimant, under Section 166 of Motor Vehicles Act, 1988 (for short 'the Act') for a compensation of Rs.3,00,000/- for the injuries sustained in the accident occurred on 30.05.2003 whereunder the Tribunal awarded an amount of Rs.2,41,600/- with interest at 7.5% per annum fixing joint liability against respondents 1 and 2 vide award dated 01.10.2007. It is, impugning the same, the 2nd respondent—insurance company preferred the appeal.

2) Heard learned standing counsel for appellant and learned counsel for claimant. Even notice served to 1st respondent did not choose to appear, hence taken as heard. Perused the material on record.

3) The evidence of PW.2 with reference to particularly Ex.A7—disability certificate issued by medical board rightly saying 65% permanent disability from fracture of L1 and L2 Vertebral of Lamb spine, from which the petitioner is unable to sit or stand. It is therefrom, what the Tribunal arrived at Rs.2,41,600/- with interest at 7.5% per annum considering the age of injured at 41 years.

4) For this Court while sitting in appeal, there is nothing to interfere but for no cross objections to enhance the compensation.

5) Accordingly, the appeal is dismissed. No order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Dt.31.08.2016
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Date:31.08.2016

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