

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

C.M.A No.2322 OF 2004

JUDGMENT:

The sole injured claimant maintained M.V.O.P. No.77 of 1999 on the file of Motor Accidents Claims Tribunal – cum – IV Additional District Judge, Tirupati, against two respondents i.e., owner and insurer of jeep bearing No.AP 31 3945 for compensation of Rs.75,000/- under Section 163-A of M.V.Act (for short ‘the Act’) but the Tribunal vide award dated 30.12.2000 granted compensation of Rs.22,000/- with interest at 12% per annum from the date of petition till realisation against respondents. Impugning the quantum of compensation awarded by the Tribunal, the claimant preferred this appeal.

2) Heard learned counsel for appellant and learned standing counsel for 2nd respondent—insurer. The 1st respondent—owner of the vehicle remained exparte before the Tribunal and even impleaded in this appeal dismissed for default is no way fatal to the maintainability of the appeal vide ***Meka chakradhara Rao vs Yelubandi Babu Rao***^[1] and the same is recorded. Perused the material on record.

3) As per Ex.A2—wound certificate, the petitioner sustained an abrasion and a lacerated injury over anterior lateral aspect of right thigh measuring 20 X 10 cm irregular edges, muscle deep with fresh bleeding and with linear laceration of 8 cm extending down from the main wound and

X-ray of right thigh shows no bone injury and even Ex.A3— case sheet of S.V.R.R. Hospital, Tirupati no way shows any bone injury or treatment for it to say that the injured undergone any surgery. He did not examine any doctor much less by whom he was treated. The Tribunal having considered the same awarded compensation of Rs.22,000/- with interest at 12% per annum.

4) Having regard to the above, for this Court while sitting in appeal there is nothing to interfere on the quantum, though rate of interest was excessive, it requires no reduction from the factual matrix.

5) Accordingly and in the result, 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.01.07.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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