

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.737 OF 2006

JUDGMENT:

The respondents to the claim petition O.P.No.617 of 2000 maintained by the injured claimant under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*) on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum-Principle District Judge, Medak at Sangareddy (*for short, 'Tribunal'*), for a compensation of Rs.1,50,000/- since awarded by the tribunal vide award dated 30.06.2015 of Rs.82,000/- with interest at 7.5%p.a. holding that the accident was the result of the rash and negligent driving of the 1st respondent in driving vehicle of the respondents 2 and 3, for the fracture sustained to the left leg and the other injuries to the right leg from undergoing the treatment and evidence of P.W.2 doctor held including conducting of two operations with bone grafting by rightly not believing any disability of much less of 10% of permanent in nature for no basis, awarded medical expenses incurred from the bills with prescriptions under Exs.A.5 and A.6 Rs.27,606/-, besides Rs.30,000/- towards said fracture injury and Rs.5,000/- to the other injuries and Rs.10,000/- towards incidental charges including the transport charges and extra nourishment with interest at 7.5%p.a. impugning the same, maintained the appeal with the contentions in the grounds of appeal that the tribunal gravely erred in awarding compensation by fixing liability on them instead of exonerating as well as the quantum excessive so also the rate of interest.

Whereas, it is the submission of the learned counsel for the claimant-respondent that the award of the tribunal also holds good, for

this Court while sitting in appeal there is nothing to interfere with the award of the tribunal.

Heard and perused the material on record.

No doubt, for the fracture injury Rs.30,000/- awarded by the tribunal for the date of accident in the year 1999, is excessive. However, there is no separate amount towards loss of earnings awarded even taken the same but for to reduce Rs.82,000/- to Rs.77,000/- by upholding the interest, there is nothing to interfere with the award of the tribunal including finding of rash and negligence and joint liability of the respondents, for this Court while sitting in appeal.

Accordingly and in the result, the appeal is partly allowed by reducing the compensation from Rs.82,000/- to Rs.77,000/- however confirming the rate of interest. If the respondents failed to deposit or any balance due, to deposit within one month from the date of receipt of this order, otherwise the claimant can execute and recover. On such deposit, the claimant is permitted to withdraw the amount. No costs. Consequently, pending miscellaneous petitions, if any, in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 26.09.2016

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