

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.737 OF 2016

JUDGMENT:

The 2nd respondent—insurer among two respondents including owner of the vehicle, filed the appeal having been aggrieved by the order passed on 03.12.2010 in O.P. No.399 of 2006 on the file of Motor Accidents Claims Tribunal-cum-V Additional District Judge, Nalgonda at Miryalaguda (for short ‘the Tribunal’) under Section 166 of Motor Vehicle Act, 1988 (for short ‘M.V Act’) for compensation of Rs.1,00,000/-, filed by the injured claimant against respondents viz., owner and insurer of lorry bearing No.AP 16 TU 1803 and the Tribunal awarded Rs.57,000/- with interest at 7.5% per annum fixing joint liability against respondents 1 and 2.

2) The M.A.C.M.A. M.P. No.1846 of 2011 is filed to condone the delay of 30 days in filing the appeal, is condoned.

3) Heard learned standing counsel for appellant—insurer and learned counsel for respondent No.1/ claimant. Respondent No.2—owner of the lorry remained exparte before the Tribunal and even impleaded in this appeal dismissed for default vide ***Meka Chakradhara Rao vs Yelubandi Babu Rao***^[1] and the same is recorded. Perused the material on record.

4) Now coming to the quantum of compensation, the Tribunal awarded Rs.57,000/- with interest at 7.5% per annum for the simple lacerated injury and even no doctor examined in proof much less to say, any disability therefrom though the evidence of PW.1 shows the cause of the accident and for the injuries sustained by him, he is unable to climb the toddy trees to extract toddy and the doctor advised him not to climb trees upto 4 or 5 years, even the quantum awarded by the Tribunal Rs.57,000/- is exorbitant for no disability of permanent or partial nature, even that too only for the laceration, hardly believe to such version, thereby what the Tribunal awarded is excessive, hence to reduce the compensation to Rs.50,000/- in all respects including loss of earnings, attendant charges, transport charges,

extra nourishment and medical expenses.

5) Accordingly and in the result, the appeal is partly allowed reducing the compensation from Rs.57,000/- (Rupees fifty seven thousand only) to 50,000/- (Rupees fifty thousand only) with interest at 7.5% per annum from the date of petition till realization. The respondents in claim petition, who are joint and severally liable to pay the compensation, are directed to deposit the said amount with interest, within one month with notice, failing which the claimant can execute and recover. On such deposit, execution and recovery, the claimant is permitted to withdraw the same. There is no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Dt.10.02.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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