

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.125 OF 2010

JUDGMENT:

The injured claimant maintained M.V.O.P. No.747 of 2004 on the file of Motor Accidents Claims Tribunal – cum – IV Additional District Judge, Kadapa, (for short ‘the Tribunal’) against two respondents i.e., owner and insurer of mini bus bearing No.AP 04 T 8621 for a compensation of Rs.6,00,000/- under Section 163-A of M.V.Act (for short ‘the Act’) for the injuries sustained by him in the motor accident dated 13.04.2004. From the contest by the 2nd respondent—insurer, on 21.07.2008 the Tribunal having held that the accident was the result of rash and negligent driving of driver of crime vehicle of 1st respondent insured with 2nd respondent, awarded compensation of Rs.2,59,000/- with interest at 7.5% per annum. Impugning the said quantum and rate of interest as utterly low, the injured claimant maintained the present appeal with the contentions that the Tribunal did not consider in adopting the multiplier method, the minimum earnings of the claimant as a sub-contractor as per the evidence of PW.3 with reference to Ex.A5—contractor income certificate and Ex.A8—medical bills 12 in number and not even considered the transport charges of Rs.28,000/- under Ex.A9—taxi receipts and prayed to allow the appeal as claimed for.

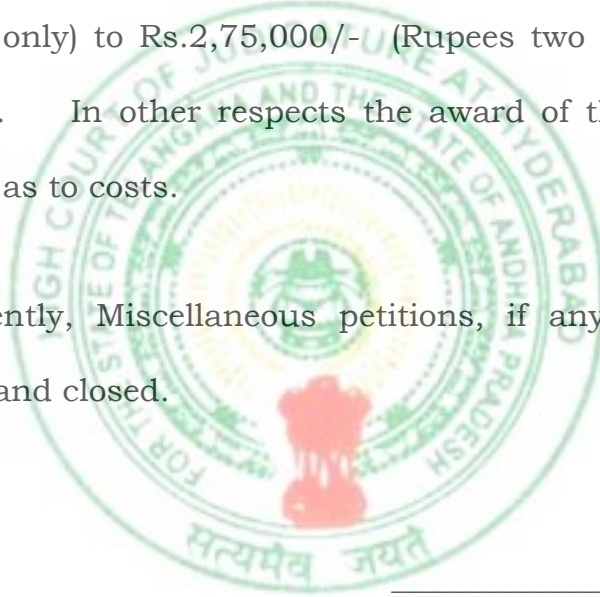
2) Whereas, it is the contention of the learned standing counsel for 2nd respondent—insurer that the award of the Tribunal holds good and for this Court while sitting in appeal, there is nothing to interfere but for to reduce for no cross objections, if at all as the claim is maintained under Section 163-A M.V.Act in the absence of proof of earnings minimum to be taken is only Rs.15,000/- per annum by adopting schedule-II and prayed to dismiss the appeal.

3) Even notice served on respondent No.1 did not chose to contest, hence taken as heard. Heard learned counsel for the appellant—claimant and learned standing counsel for insurer—respondent No.2. Perused the material on record.

4) From considering the material on record and the amounts awarded by the Tribunal, as the medical expenses are not properly taken, it requires enhancement from Rs.2,59,000/- to Rs.2,75,000/-.

5) Accordingly and in the result the appeal is partly allowed by enhancing the compensation from Rs.2,59,000/- (Rupees two lakhs fifty nine thousand only) to Rs.2,75,000/- (Rupees two lakhs seventy five thousand only). In other respects the award of the Tribunal holds good. No order as to costs.

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



Dt.19.10.2016
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Dr. B. SIVA SANKARA RAO, J

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Date:19.10.2016

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