HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.Nos.592 AND 593 OF 2008

COMMON JUDGMENT:

MACMA No.592 of 2008:

The injured claimant by name Badala Satyavva, aged 29 years, maintained the claim in O.P.No.1734 of 2003 on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum-II Addl. District & Sessions Judge-FTC Nizamabad, (*for short, 'Tribunal'*), filed u/s. 166 of the Motor Vehicle Act,1988 *(for short, 'the Act')*, for a claim of Rs.4,00,000/- against the owner and Insurer of the crime vehicle Qualis bearing No.AP 10 U 7860 for the injuries sustained in the motor accident dated 11.11.2003 while travelling in the crime vehicle due rash and negligent driving of the driver of the vehicle and the tribunal after contest passed the award dated 23.11.2007 holding that the so called wound certificate Ex.A.3 said to have been issued by the P.W.2 private doctor Akhilesh, itself is unsustainable and there is no x-ray or radiologist report even to say that there are several multiple fractures even to believe and awarded Rs.30,000/- only with interest at 7.5%p.a. Impugning the said award, the present appeal is preferred by the claimant contending the quantum as utterly low and to be granted as prayed.

MACMA No.593 of 2008:

2. Another injured by name Jekku Rukma, aged about 30 years, in the same accident supra, maintained the O.P.No.1738 of 2003 in the same Court supra, preferred the present appeal contending the quantum granted by the tribunal of Rs.20,000/- out of Rs.4,00,000/- as utterly low to be granted as prayed for.

3. Learned counsel for the appellant-claimant in both the appeals reiterated the said contentions during the course of hearing. Whereas, it is the contention of the learned counsel for the 2nd respondent-Insurer in both the claims that the award of the tribunal holds good but for no cross-objections compensation could not even be enhanced and perused the material on record.

4. The tribunal granted respective amounts in both the cases by believing the accident and sustaining injuries by the respective claimants but the tribunal, though not believed the medical evidence, could have awarded further sum regarding the loss of earnings, attendant charges, and medical expenses reasonably, hence the compensation of Rs.30,000/- in O.P.No.592 of 2008 and Rs.20,000/- in O.P.No.593 of 2008 granted by the tribunal is to be enhanced to Rs.35,000/-.

5. In the result, both the appeals are allowed in part by enhancing compensation from Rs.30,000/- to Rs.35,000/- in O.P.No.592 of 2008 and from Rs.20,000/- to Rs.35,000/- in O.P.No.593 of 2008 however by confirming the rate of interest. In all other respects, the awards of the tribunal holds good. There is no order as to costs. Miscellaneous petitions, if any pending in these appeals, shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

Date: 16.09.2016
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