

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.2919 of 2005

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JUDGMENT:

The injured claimant filed this appeal having been aggrieved by the Order/Award of the Motor Accidents Claims Tribunal (Fast Track Court), Nizamabad, at Kamareddy, (for short, 'Tribunal') in O.P.No.151 of 2001 dated 17.06.2005, awarding compensation of Rs.45,000/- with interest at 9% per annum as against the claim of Rs.3,00,000/- fixed with joint liability against respondents 1 and 2—owner and insurer of the tractor bearing No.AP 25 T 7436, having held that the accident was due to rash and negligent driving of driver of the tractor, which was insured with 2nd respondent, under Section 166 of the Motor Vehicle Act, 1988 (for short, 'the Act').

2) The contention of the learned counsel for the appellant is that the Tribunal gravely erred in not considering the disability and not considering the medical bills, which are filed for Rs.1,09,118/- and thereby sought for allowing the claim as prayed for.

3) Whereas it is the contention of the learned standing counsel for 2nd respondent—insurer that the medical bills mainly unsustainable and the disability certificate issued by Dr.Ramulu, who never even treated the injured, is with no basis; that leave about his credibility and private value of document, since subjected to several remarks adversely many a time in several judgments by this Court in giving fake certificates, hence sought for dismissal of the appeal.

4) Heard learned counsel for appellant and learned standing counsel for insurer. Perused the material on record.

5) Coming to the quantum of compensation, leave about the other contentions, there is no single rupee awarded by the Tribunal towards medical expenses. As can be seen from the award, even the Apollo hospital's bill nearly for Rs.30,000/- as a final bill clearly shows the

entitlement of said amount even though initially he was treated in Government Hospital free of cost. Hence the compensation enhanced from Rs.45,000/- to Rs.75,000/-.

6) Accordingly, the appeal is partly allowed by enhancing the compensation from Rs.45,000/- (Rupees forty five thousand only) to Rs.75,000/- (Rupees Seventy five thousand only). The enhanced compensation shall carry interest at 7.5% per annum from today till the date of realization. Rest of the terms of the award holds good. No order as to costs.

7) Consequently, miscellaneous petitions, if any pending in this Appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:23.03.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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