

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.M.P.No.1143 of 2011

IN/AND

M.A.C.M.A No.291 of 2016

JUDGMENT:

Heard. The delay of 46 days in filing the appeal is condoned subject to not entitle to interest on the enhanced amount.

2. The appeal is taken up for hearing. Heard learned counsel for the claimant/appellant and the second respondent-insurer, even though failed to attend, taken as heard. The first respondent, owner of Tractor contested and even though impleaded in the appeal, dismissed for default for non payment of batta. Leave about maintainability of the appeal therefrom even coming to the merits in the claim filed under Section 166 of the Motor Vehicles Act, 1988 for Rs.1,50,000/- for the injuries sustained by the claimant in the accident on 11.10.2006 due to rash and negligent driving of driver of Tractor and Trailer bearing Nos.APB-2796 and APB 2797. The first respondent vehicle was insured with the second respondent. On the date of incident, the claimant was travelling along with her husband in an Auto bearing No.AP-23-V-7582. After considering the evidence, the Tribunal held that the accident has occurred due to rash and negligent driving of driver of the said Tractor and Trailer of the first respondent.

3. However, coming to compensation, the Tribunal awarded an amount of Rs.80,000/- towards compensation for the injuries sustained by the claimant as per Ex.A.3-wound certificate of Government Hospital and Ex.A.4-discharge card issued by St.Therissa General Hospital, Hyderabad and the evidence of Dr.Mukundan-P.W.2. There is no basis to believe that the claimant was inpatient for two days in Government Hospital and few more days in St.Therissa General Hospital and that too there is a fracture only, not even a compound fracture and other two are simple injuries and therefrom the Tribunal awarded an amount of

Rs.80,000/- towards compensation vide award, dated 19.04.2010 in O.P.No.641 of 2006, which is more than enough. Therefore, the impugned judgment needs no interference.

4. Accordingly, M.A.C.M.A.M.P.No.6 of 2011 is ordered. The appeal is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

JANUARY 21, 2016

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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M.A.C.M.A.M.P.No.1143 of 2011
IN/AND
M.A.C.M.A (SR) No.10015 of 2011

Date: 21.01.2016