

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CMA No.2600 OF 2003

JUDGMENT:

The injured claimant of the accident dated 03.03.1998 maintained the claim in O.P.No.451 of 1999 under Section 166 of the Motor Vehicles Act (for short, 'the M.V.Act), on the file of the learned Chairman, Motor Accidents Claims Tribunal–cum-District Judge, at Nalgonda (*for short, 'Tribunal'*) for a claim of Rs.75,000/-, against the owner and Insurer of the lorry bearing No.ADM 3247, for the petitioner while going on bicycle near Hanumanpet, Miryalaguda, the crime lorry driven by its driver in rash and negligent manner coming in opposite direction dashed the scooter and turned turtle and the urea bags from the load of the lorry fell on the petitioner and others, as a result of which the petitioner among others sustained injuries and one person died. The tribunal by its award dated 25.02.2002 granted compensation of Rs.15,000/- with interest at 9%p.a. fixing liability against both the respondents. Aggrieved by the same, the claimant preferred the present appeal with the contentions as well as submissions during course of hearing that the compensation awarded by the tribunal is utterly low and allow the appeal as prayed for.

2. Heard the learned counsel for the appellant and also the learned counsel for the 2nd respondent-Insurer, from the 1st respondent-owner of the crime lorry who remained *exparte* before the tribunal even not turned up now taken as heard, and perused the material on record.

3. Ex.A.8 is the wound certificate dated 03.03.1999. It is deposed that he sustained one grievous injury and two simple injuries and the injury sustained by him is to his right leg. No doctor is examined. No radiologist report even filed much less any X-rays and there is no basis to believe the bunch of bills under Ex.A.9. However, once it is for the grievous injury and two simple injuries as per the evidence on record

considered by the tribunal for the accident of the year 1999 and awarded of Rs.15,000/- including other conventional sums since utterly low, it is just to enhance to Rs.30,000/- but by reducing the rate of interest from 9%p.a. to 7.5% p.a.

4. Accordingly and in the result, the appeal is partly allowed by enhancing the compensation of Rs.15,000/- granted by the tribunal to Rs.30,000/-, but by reducing rate of interest from 9%p.a. to 7.5% p.a. Rest of the award of the tribunal holds good. There is no order as to costs in the appeal. Consequently, pending miscellaneous petitions, if any, in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:19.07.2016

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