

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

MACMA MP No.5540 OF 2012

IN/AND

MACMA No.580 OF 2016

AND

MACMA No.3024 of 2012

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COMMON JUDGMENT:

MACMA No.3024 of 2012 was preferred by the claimant and the other appeal MACMA (SR) No.38081 of 2012 was preferred by the insurer with delay condonation of 39 days impugning the award of the Tribunal, in O.P. No.1542 of 2008 maintained against the owner and insurer of the tipper bearing No.AP-02-T-7192 with a claim under Section 166 read with 163-A of the Motor Vehicles Act, 1988, since awarded Rs.2,35,400/- with interest at 7.5% per annum vide award dated 16.03.2012, by the claimants saying the Tribunal went wrong in applying proper multiplier method for 20% permanent disability deposed by P.W.3 who is also an orthopedic, and conventional amounts awarded are utterly low; the Tribunal ought to have awarded Rs.50,000/- towards pain and suffering; and the appellant-insurer contends that there is no permanent disability much less 20%, even discharge summary no way speaks, P.W.3 is not a doctor who treated the claimant, merely because he examined two months after the accident and when there is no saying about permanent disability much less shortening or mal union, it is not based on, the Tribunal went wrong in awarding exorbitant compensation. Hence, to reduce.

02. Heard and perused the material on record.

03. The material on record shows that there is partial disability and not permanent in nature forever, as discharge summary also shows after some time he can bear weight from the saying, immediately he cannot. Having regard to the above, what the Tribunal awarded Rs.2,35,400/-

reduced to Rs.1,75,000/-.

04. Accordingly, and in the result, the MACMA MP No.5540 of 2012 is allowed and the MACMA No.3024 of 2012 is dismissed and the MACMA (SR) No.38081 of 2012 is partly allowed. There shall be no order as to costs.

05. Miscellaneous petitions, if any, pending in these appeals shall stand closed.

Dr. B. SIVA SANKARA RAO, J

11.02.2016
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