

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CMA No.423 of 2004

JUDGMENT:

Heard the learned counsel for the appellant-claimant and also the learned counsel for the respondent-APSRTC(for short, 'Corporation') and perused the material on record.

2. Impugning the award dated 13.02.2001 in M.V.O.P.No.991 of 1999 in the claim maintained under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*), passed by the Chairman, Motor Accidents Claims Tribunal–cum-I Addl. District Judge, Kadapa (for short, 'the Tribunal') granting compensation of Rs.97,000/-(Rupees ninety seven thousand only) out Rs.2,00,000/-(Rupees two lakhs only) with interest at 12% p.a., the injured claimant preferred the present appeal with the contention in the grounds of appeal as the quantum of compensation granted by the tribunal is utterly low.

3. From the nature of the injuries sustained by the injured, the amount awarded by the tribunal is just to say that the injured was aged about 60 years on the date of accident and stated earnings Rs.150/- per day but there is no basis, hence the tribunal taken Rs.50/- per day and even for 50% permanent disability, there is no disability certificate obtained by the Medical Board but for of the private doctor by name Narendra Dev under Ex.A.4 (Disability certificate) who is examined as P.W.2, no doubt, deposed as the injured claimant got weakness of all the 4 limbs from the injury to the cervical and dorsal spinal chord. The medical bills filed under Ex.A.6 is Rs.26,042/- whereas, the tribunal awarded of Rs.10,000/- by scrutiny and transport charges awarded of Rs.5,000/- for the claim is Rs.45,000/- by the tribunal no way requires interference. Taking into consideration of all these aspects, this Court inclines to enhance compensation granted by the tribunal of Rs.97,000/- to Rs.1,10,000/-(Rupees one lakh ten thousand only) in all.

4. In the result, the appeal is allowed in part by enhancing the

compensation from Rs.97,000/- to Rs.1,10,000/-(Rupees one lakh ten thousand only). Rest of the award of the tribunal holds good. There is no order as to costs in the appeal. Consequently, miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 17.02.2016

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