

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.329 OF 2010

JUDGMENT:

The injured claimant of O.P.No.1999 of 2007 under Section 166 of the Motor Vehicle Act, 1988 (*for short, 'the Act'*) on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum-XXII Additional Chief Judge, Hyderabad (*for short, 'Tribunal'*), for compensation of Rs. 1,00,000/- against respondents 1 and 2, owner and Insurer respectively of Mahindra Bolero bearing No. AP 15W 7880 for the injuries sustained, in the motor accident dated 04.11.2007, from the 1st remained exparte and the 2nd respondent – insurer contested, having heard that the accident was result of the rash and negligent driving of the 1st respondent, who is driver of said Bolero insured with the 2nd respondent, the tribunal by its award dated 18.11.2009, fixed the liability over the respondents and arrived the quantum at Rs.14,500/- with interest @ 7% per annum. Thus, he preferred the present appeal impugning said award of the Tribunal for enhancement.

2. Learned counsel for the appellant drawn the attention of the Court on several contentions raised in the grounds of appeal and sought for allowing the claim as prayed for, so also with enhancement of rate of interest.

3. Whereas, it is the submission of the learned counsel for the 1st respondent-owner of the vehicle and the 2nd respondent – insurer that the award of the tribunal holds good and for this Court while sitting in appeal, there is nothing to interfere. Hence, the appeal may be dismissed.

4. Heard both sides at length and perused the material available on record.

5. No doubt from the perusal of record, there is dislocation of left shoulder joint, which is described as grievous and PW.2-doctor, who issued Ex.A.3, outpatient record of Osmania General Hospital and who treated the injured as inpatient for three weeks deposed that for the left shoulder dislocation manipulated, reduced and immobilized shoulder and the injured was later recovered.

6. Having regard to the above, it is just to enhance the compensation of Rs.14,500/- to Rs.32,000/- by enhancing the rate of interest from 7%per annum to 7.5%per annum from the date of petition till realization.

7. Accordingly and in the result, the appeal is allowed-in-part. 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

Date: 28.10.2016
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