

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.3896 OF 2008

JUDGMENT:

The injured claimant maintained O.P. No.519 of 2004 on the file of Motor Accidents Claims Tribunal –cum –I Additional District Judge, Mahabubnagar (for short 'the Tribunal') against two respondents i.e., owner and insurer of auto bearing No.AP 22 U 6550 for a compensation of Rs.1,00,000/- under Section 166 of M.V.Act (for short 'the Act') for the injuries sustained by him in the motor accident dated 15.01.2000. From the contest by the 2nd respondent—insurer, the Tribunal having held that the accident was the result of rash and negligent driving of driver of auto of 1st respondent insured with 2nd respondent, from the evidence on record of PW.2 and RW.1 with reference to Exs.A1 to A13, awarded Rs.23,000/- with interest at 7%per annum. Impugning the said quantum and rate of interest as utterly low, the injured claimant maintained the present appeal with the contentions that the Tribunal ought to have awarded compensation as claimed for with interest at 9%per annum.

2) Whereas it is the contention of the learned standing counsel for insurer that the award of the Tribunal holds good and for this Court while sitting in appeal there is nothing to interfere and prayed to dismiss the appeal.

3) Heard learned counsel for appellant—claimant and learned standing counsel for insurer. Respondent No.1—owner of the auto remained exparte before the Tribunal and even

impleaded in this appeal is no way fatal to the maintainability of the appeal vide *Meka Chakra Rao vs Yelubandi Babu Rao*¹. Perused the material on record.

4) The fact that the injured sustained fracture of pelvis and grievous injury besides five simple injuries and he was treated as inpatient for 19 days and discharged duly from recovery since not in dispute, what the Tribunal awarded of Rs.20,000/- towards medical expenses, treatment and for the fracture including the injuries, is utterly low, it requires enhancement from Rs.20,000/- to 30,000/- and also the rate of interest from 7% per annum to 7.5% per annum as per the settled expressions of the Apex Court in *Rajesh vs Rajbir Singh*².

5) Accordingly and in the result, the appeal is allowed in part by enhancing the compensation from Rs.20,000/- (Rupees twenty thousand only) to Rs.30,000/- (Rupees thirty thousand only) and the rate of interest from 7% per annum to 7.5% per annum from the date of petition till realisation. In other respects the award of the Tribunal holds good. No order as to costs.

6) Consequently, Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt. 18.08.2016
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¹ 2001 (1) ALT 495 DB

² 2013 ACJ 1403



