

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.665 OF 2008

JUDGMENT:

The injured claimant maintained the claim in O.P.No.2444 of 2005 against the owner and insurer of the water tanker bearing No.AP11 W 5655 u/ s.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-VII Addl. Metropolitan Sessions Judge, Hyderabad (*for short, 'Tribunal'*), for compensation of Rs.2,00,000/- for the injuries sustained by him on 11.01.2005 while he was on duty in his office premises of Gram Panchayat of Medipally village and engaged in assisting filling the water into sump from one water tanker suddenly the tanker came reverse side and hit the claimant resulting multiple injuries. The tribunal after contest and from the evidence on record, granted compensation of Rs.40,000/- with interest at 6%p.a. with joint liability against both the respondents by its award dated 14.12.2007. Impugning the said quantum as utterly low, the injured claimant preferred the present appeal. The learned counsel for the claimant reiterated the same during the course of hearing.

2. The 2nd respondent-Insurer, from the 1st respondent remained *ex parte* before the tribunal, even impleaded in the appeal, not turned up taken as heard, submitted that there is nothing to interfere with the award of the tribunal by this Court while sitting in appeal and perused the material on record.

3. Taking into consideration of nature of the injuries, pain and sufferance, medical expenses, loss of earnings, attendant and transport charges, this Court feels that it is just to enhance the compensation

awarded by the tribunal of Rs.40,000/- to Rs.55,000/- only and also by enhancing the rate of interest from 6%p.a. to 7.5%p.a. as per three judge Bench expression of the Apex Court in *Rajesh Vs. Rajbir Singh*¹, beyond that there is nothing to interfere with the award of the tribunal for this Court while sitting in appeal.

4. Accordingly and in the result, the appeal is allowed in part by enhancing the compensation of Rs.40,000/- awarded by the tribunal to Rs.55,000/- and also by enhancing the rate of interest from 6%p.a. to 7.5%p.a. from the date of petition till realization. In other respects, the award of the tribunal holds good. No costs. Consequently, pending miscellaneous petitions, if any, in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 21.09.2016
Vvr



¹ (2013) ACJ 1403=(2013) 9 SCC 54,