

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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M.A.C.M.A.M.P.No.4543 of 2010

IN/AND

M.A.C.M.A.No.288 of 2016

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ORDER:

Heard the learned counsel for the appellant in the un-numbered appeal vis-à-vis the application in MACMA MP No.4543 of 2010, to condone the delay of 30 days in filing the appeal. Though the 1st respondent/owner set exparte before the tribunal even impleaded and dismissed for default, no way fatal to the maintainability of the appeal vide **Meka Chakra Rao vs Yelubandi Babu Rao @ Reddemma**. Perused the material on record.

2. For the reasons stated in the affidavit filed in support of the petition, the delay of 30 days in filing the appeal is condoned, subject to condition of the claimant not entitled to interest on any enhanced amount but from today. At request of both sides, the appeal is taken up for hearing.

3. The appellant is the claimant of O.P.No.427 of 2007 filed for Rs.1,00,000/- under Section 166 of the Motor Vehicle Act against the owner and insurer of the jeep bearing No.AP 9K 3069 for the injuries sustained in the motor accident dated 26.09.2002, the tribunal having found that the accident was the result of rash and negligent driving of the driver of the jeep of the 1st respondent insured with the 2nd respondent under Ex.A5-policy, awarded compensation of Rs.13,000/- with interest @ 9% p.a. vide award dated 30.04.2010. It is impugning the said quantum as utterly low, present appeal is filed with the contentions that the tribunal ought to have been considered the disability and also should have been awarded the compensation

for the pain and sufferance, extra nourishment and attendant charges etc.,

4. Whereas it is the contention of the 2nd respondent/insurer that the award of the tribunal holds good and there is nothing to interfere with the award of the tribunal.

5. There is nothing to interfere with the finding of the tribunal that the accident was the result of rash and negligent driving of the driver of jeep of the 1st respondent insured with the 2nd respondent for their liability to compensation.

6. Now coming to the quantum of compensation, as per Ex.A3-wound certificate, there are two lacerations and one abrasion and the claimant was treated in Government Hospital, Bodhan.

7. Having regard to the above, the claimant is entitled to Rs.10,000/- towards two lacerated injuries, Rs.2,000/- towards abrasion and Rs.10,000/- towards pain and sufferance, attendant charges, transport charges and extra nourishment. Thus, in total, the compensation comes to Rs.22,000/-.

8. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.13,000/- to Rs.22,000/-. The enhanced amount carries interest at 7.5% p.a. from today only. There is no order as to costs.

9. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:20-01-2016

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