

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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M.A.C.M.A.M.P.No.3356 of 2010 IN/AND

M.A.C.M.A.No.282 of 2016

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ORDER:

Heard the learned counsel for the claimant/appellant of O.P.No.106 of 2007 on the file of Motor Accidents Claims Tribunal-Family Court-cum-Additional District & Sessions Judge, Vizianagaram and 4th respondent-insurer.

2. The 3rd respondent-owner of lorry bearing No.AP 16T 1816 remained exparte before the tribunal and even impleaded in the appeal and original notice not served, substitute service served, even steps not taken, leave about respondent No.1, who is driver of lorry and respondent No.2 is his wife, no way necessary parties, though they contested before the tribunal with that such contest in the appeal even impleaded, no way fatal to the maintainability of appeal vide **Meka Chakra Rao vs Yelubandi Babu Rao @ Reddemma**, the same is recorded. Perused the material on record.

3. For the reasons stated in the affidavit filed in support of the petition, the delay of 366 days in filing the appeal is condoned subject to condition of not entitled to interest on any enhanced amount but from today. At request, the appeal is taken up for hearing.

4. The claim is under Section 163-A of the Motor Vehicles Act, the compensation awarded by the tribunal is Rs.20,000/-, the petitioner sustained fracture of femur besides one simple injury and there is no basis he suffers 20% permanent disability of what PW2-doctor treated of no credence that can be given to Ex.A10-disability certificate.

5. Having regard to the above by considering the nature of the injuries sustained, pain and sufferance, period of treatment required and undergone, medical expenses incurred, loss of earnings, transport charges, attendant charges and extra nourishment, this Court feels it just to enhance the

compensation from Rs.20,000/- to Rs.35,000/-.

6. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.20,000/- to Rs.35,000/-. However, the enhanced amount carries interest at 7.5% p.a. from today till realization. In other respects, the award of the tribunal holds good. There is no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Date:01-02-2016

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