

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

C.M.A. No.2683 OF 2003

JUDGMENT:

The 2nd respondent—insurer among two respondents including owner of the vehicle, filed the appeal having been aggrieved by the order passed on 26.09.2002 in O.P. No.475 of 1999 on the file of Motor Accidents Claims Tribunal-cum-District Judge, Nizamabad (for short 'the Tribunal') under Section 166 of Motor Vehicle Act, 1988 (for short 'M.V Act') for compensation of Rs.1,50,000/-, filed by the injured claimant against respondents viz., owner and insurer of jeep bearing No.AP 25 T 5006 and the Tribunal awarded Rs.1,50,000/- with interest at 9% per annum fixing joint liability against respondents 1 and 2.

2) Heard learned standing counsel for appellant—insurer and learned counsel for respondent No.1/ claimant. Respondent No.2—owner of the jeep even contested before the Tribunal failed to attend hence taken as heard. Perused the material on record.

3) The evidence on record shows that the petitioner sustained fracture of left fore-arm, abrasion on right arm, contusion of right eye and other multiple and simple injuries. Ex.A3—wound certificate show except fracture other injuries are described as simple in nature and there is no basis for the evidence of PW.2 to describe 50% partial permanent disability, therefrom for no any mal-union or shortening of any limb in giving credence to Ex.C1 and the evidence of PW.2. The Tribunal ignoring the same awarded Rs.1,50,000/- as compensation for the said fracture and other simple injuries including by considering Ex.C2—medical bills incurred of Rs.25,992/-as claimed.

4) Having regard to the above, the compensation awarded by the Tribunal is unjust, exorbitant and unrealistic, hence it requires to reduce from Rs.1,50,000/- to Rs.75,000/- and also reduced the rate of interest from 9% per annum to 7.5% per annum as per the settled expression in **TN**

Transport Vs. Raja Priya^[1] and Rajesh Vs. Rajbir Singh^[2].

5) Accordingly and in the result, the appeal is partly allowed by reducing the compensation from Rs.1,50,000/- (Rupees one lakh fifty thousand only) to Rs.75,000/- (Rupees seventy five thousand only) with interest at 7.5% per annum from the date of claim petition till realization. The respondent Nos.1 and 2 are directed to deposit the compensation with interest within one month from today with notice, failing which the claimant can execute and recover. On deposit or execution and recover, the claimant is permitted to withdraw the same. There is no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Dt.04.03.2016
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Date:04.03.2016

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[\[1\]](#) 2005 (6) SCC 236

[\[2\]](#) 2013 ACJ 1403