

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A. No.486 of 2011

JUDGMENT:

The injured-claimant, who maintained O.P. No.2901 of 2008 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad (for short, 'the Tribunal') under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') claiming compensation of Rs.4,00,000/- from the owner and insurer of the vehicle bearing registration No.AP 28U 3489 for the injuries sustained in the accident dated 25.07.2008, from what the Tribunal awarded only Rs.6,000/- with interest at 6% per annum by the judgment dated 08.12.2010 fixing joint and several liability on the owner and insurer, maintained the instant appeal impugning the said quantum as utterly low.

2. Heard the learned counsel on both sides at length and perused the material on record.

3. Though as observed with reference to Ex.A.6-original discharge summary issued by Osmania General Hospital showing the petitioner sustained three injuries, i.e., (i) laceration of 2 x 1 cm over the right forearm; (ii) laceration of 2 x 1 cm over the dorsum of right hand; and (iii) laceration over the occipital area; from the discharge summary issued by Kamineni Hospital, which

also refers the above injuries and there was surgery conducted to the fracture injury to the left tibia bicondylar on 28.07.2008 by insertion of steel rods and it requires second operation and P.W.2 is Dr. C.Kama Raju, who is the doctor of Kamineni Hospital, also deposed in proof of the same. Thereby, what the Tribunal taken of from the certificate issued by Osmania General Hospital, as if the simple injuries, is not correct and there is no evidence to disbelieve the evidence of P.W.2 and discharge summary issued by Kamineni Hospital. Once such is the case, the claimant is entitled to compensation towards one fracture and two simple injuries, besides medical expenses of Rs.1,05,895/ -. Thereby, for the fracture injury, two simple injuries including the medical expenses, attendant charges, transport charges, loss of earnings and extra nourishment, it is just to award Rs.1,50,000/- and the same is granted enhancing from Rs.6,000/- granted by the Tribunal and also enhancing the rate of interest from 6%to 7.5%per annum.

4. Accordingly, the present appeal is allowed in part modifying the award dated 08.12.2010 passed by the Tribunal by enhancing the compensation and also the rate of interest as indicated above. In all other respects, award passed by the Tribunal holds good. There shall be no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

05.01.2017
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