

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A. C.M.A. No.384 OF 2014

JUDGMENT:

The present Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, by the Insurance Company viz., The United India Insurance Company Limited, Chikkadpally, Hyderabad, questioning the award of compensation and the decree dated 15.12.2009 in O.P. No.40 of 2007 passed by the learned Chairman, Motor Accidents Claims Tribunal - cum Judge, Family Court, Additional District and Sessions Judge, Nalgonda, whereby and whereunder, a sum of Rs.30,000/- was granted as against the claim of Rs.50,000/-, laid under Section 163-A and 166 of the Motor Vehicles Act, 1988, and Rule 455 of the A.P. Motor Vehicles Rules, 1989 read with Section 140 of the Motor Vehicles Act, 1988, with interest at 7.5% per annum on the ground that the amount awarded is excessive and exorbitant.

2. Heard Sri N. Mohan Krishna, learned standing counsel for the appellant - insurer, and Sri K.Venkateshwarlu Valmiki, learned counsel for respondent No.1 - claimant, and perused the material on record.

3. No representation for respondent No.2, who is owner of the Tempo Trax bearing No.AP-24-V-3497 that involved in the accident.

4. As could be seen from the order under challenge and the material on record, the petitioner sustained fracture of left clavicle lateral 1/3rd. There was swelling over left shoulder and laceration over left side of scalp, and, the Tribunal awarded only Rs.15,000/- for the grievous injury and Rs.7,500/- each for two simple injuries. Except that the Tribunal has not awarded any amount making it to Rs.30,000/- in all and granted interest as mentioned above.

5. In fact, the relevant heads under which certain amounts ought to be granted were not granted. For simple injuries, Rs.7,500/- each were granted without assigning proper reasons. Even otherwise, since no amounts were awarded under other heads, the amount of Rs.30,000/- granted by the Tribunal cannot be construed as excessive and exorbitant. Thus, there is no merit in the appeal.

6. Therefore, the Civil Miscellaneous Appeal is dismissed confirming the order and the decree under challenge in all respects. There shall be no order as to costs.

As a sequel to dismissal of the appeal, the Miscellaneous Applications, if any, pending stand dismissed.

A. SHANKAR NARAYANA, J

October 11, 2017.

PV