

**THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

**MACMA NO. 443 OF 2006**

**JUDGMENT:**

In spite of service of notice, there is no representation for the respondent No.3/insurance company and appeal against respondents 1 and 2 dismissed for default. Since the matter is pertains to the year 2006, this Court has heard learned counsel for the appellant and disposed of the appeal.

2. This appeal is directed by the claimant against the award dated 29.12.2005 by the Motor Accidents Claims Tribunal-cum-V Additional District Judge (FTC), Khammam at Kothagudem (for short 'the Tribunal), in M.V.O.P.No.195 of 2002, whereby the tribunal granted compensation of Rs.52,000/- in a motor vehicle accident that occurred on 04.01.2001 at about 16.30 pm while the petitioner and his sister in law were proceeding on scooter bearing No. AP 20 A 6033 towards Bhadrachalam, when they reached to U.B.Centre, Bhadrachalam, one jeep bearing No. AP 20 V 3274 driven by its driver in a rash and negligent manner at high speed, dashed the scooter, for which the petitioner and his sister-in-law sustained grievous injuries, he was shifted to Government Hospital, Bhadrachalam and after first aid, he was shifted to Sai Sudha Nursing Home, Paloncha, where he had undergone operation to his left fore arm and rods were

inserted to his left fore arm and further he was shifted to Sri Venkateshwara Nursing Home, Hyderabad, where skin grafting was made to his forearm by removing skin at his thigh part, as against the claim of Rs.1,50,000/-.

3. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

4. Respondents 1 and 2 remained exparte. Respondent No.3 filed counters denying the claim petition.

5. In order to prove the case of the claimant, PW.1 was examined and marked Exs.A1 to A.1 and also marked Ex.B.1 copy of policy. No oral evidence is adduced on behalf of the respondents.

6. It is a case of injuries i.e. fracture to left fore arm. Basing on the material available on record and on the strength of Ex.A.3- c.c. of wound certificate, the tribunal awarded a sum of Rs.52,000/- with interest at 9% per annum. The amount awarded by the tribunal is very meager, this Court feels that the same is to be enhanced, in view of previous surgical fracture needs future surgery and accordingly, a sum of Rs.52,000/- granted by the tribunal is enhanced to Rs.75,000/- under all heads. The enhanced compensation amount shall carry interest @ 7.5% per annum from the date of petition till the date of realization.

Respondents are directed to deposit the compensation amount within three months from the date of petition till the date of realization.

7. In view of the above, the appeal is allowed in part.  
There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 17-10-2019  
kvrn

**T.AMARNATH GOUD,J**

