

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.2524 of 2015

ORDER:

This appeal is filed challenging the order dated 14.06.2011 in M.V.O.P.No.817 of 2008 on the file of Motor Accidents Claims Tribunal, Family Court-cum-Additional District Judge, East Godavari District at Rajahmundry.

2. Heard.

3. Though, the 2nd respondent-owner of the vehicle was served, failed to attend and so far as the 1st respondent-driver even dismissed for default, he remained *ex parte* before the Tribunal and also for the reason that once *ex parte* before the Tribunal, need not be a party to the appeal that is recorded from the expression of Meka Chakra Rao vs Yelubandi Babu Rao @ Reddemma¹ and perused the material on record.

4. The quantum is in dispute as the Tribunal awarded in all Rs.22,000/- as compensation to the claimant. Impugning the same as utterly low and the trial Court has not been awarded Rs.1,00,000/- as

¹ 2001 (1) ALT 495

claimed under Section 166 of the Motor Vehicles Act, this appeal is filed by the claimant.

5. Whereas, it is the contention of the learned counsel for the 3rd respondent/insurance company that what the Tribunal awarded is just and there is nothing to interfere, thereby sought for dismissal.

6. In fact, from the evidence of PW.2 the doctor who treated the injured, though the treatment is as in-patient for few days in hospital for the fracture of right clavical and other two simple injuries and that he was almost paralysed to attend any work for six months. The Tribunal there from taken loss of earnings for two months estimated as confined to home from the fracture of heal in awarding Rs.6,000/- what the Tribunal awarded for three injuries of Rs.15,000/- and none awarded any amount towards medical expenses even bills filed under Ex.A8 for about Rs.20,000/- thereby for the fracture injury Rs.25,000/- and for the other two simple injuries Rs.5,000/- awarded in addition to the loss of earnings Rs.6000/- and further amount of Rs.14,000/- towards medical expenses, treatment, attendant charges, transport charges and

extra nourishment, thereby, enhancing compensation from Rs.22,000/- to Rs.50,000/- of retaining the rate of interest at 7.5% p.a. on the original amount of Rs.22,000/- from the date of claim petition till realization. No order as to costs.

7. Accordingly, this appeal is partly allowed.

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

Dr. B. SIVA SANKARA RAO, J

Date:04-11-2015

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