

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.Nos.1806, 1826, 1871 and 3630 of 2005

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COMMON JUDGMENT:

M.A.C.M.A.No.1806 of 2005 is filed against the award dated 17.09.2002 in O.P.No.49 of 1997 on the file of the Motor Accident Claims Tribunal (District Judge) at Nizamabad. M.A.C.M.A.No.1826 of 2005 is filed against the award dated 29.03.2005 in M.V.O.P.No.1005 of 2001 on the file of the Motor Accident Claims Tribunal – cum – IV Additional District Judge, Guntur. M.A.C.M.A.No.1871 of 2005 is filed against the award dated 29.03.2005 in M.V.O.P.No.583 of 2001 on the file of the Motor Accident Claims Tribunal – cum – IV Additional District Judge, Guntur. M.A.C.M.A.No.3630 of 2005 is filed against the award dated 01.11.2004 in M.V.O.P.No.564 of 2001 on the file of the Motor Accident Claims Tribunal – cum – V Additional District Judge, Guntur.

All these appeals are preferred by the insurance companies against the above awards.

With regard to the quantum of compensation awarded by the Tribunals, in view of the latest decision of the Supreme Court in **Smt.Sarla Verma v. Delhi Transport Corporation** and **Rajesh v. Rajbir Singh** the quantum cannot be doubted and in fact, it should have been enhanced, but for the absence of appeals by the claimants.

However, with regard to the award of interest at 9% per annum by the Tribunals, learned Counsel for the appellants relied on **APSRTC v. B.Vijaya, Tamil Nadu State Transport Corporation Ltd. V. S.Rajapriya, Laxmi Devi v. Mohammad Tabbar, Manasvi Jain v. Delhi Transport Corporation** and **Ramilaben Chinubhai Parmar v. National Insurance Company Limited**.

In **B.Vijaya's** case (supra) the larger Bench of this Court, to which a reference was made on the point of interest, held as follows:

“85. We have earlier noticed that in many cases interest has been awarded at 12% and in one case the Supreme Court has awarded interest at 15% per annum. In some cases, interest has been reduced from 12% to 9%, 9% to 6% and in some cases it was enhanced from 6% to 12% or 6% to 9% which would only show that the Courts have exercised their discretion in reducing or enhancing the rate of interest depending upon the facts and circumstances of each case. In our considered opinion, while granting interest on the compensation amount awarded, the Tribunal or the Court shall award the rate of interest, which is just and reasonable on an analysis of the facts and circumstances obtaining the case.”

The trend of the Supreme Court even in the present days also varied from 6% to 9% and, in that view of the matter, in view of the award of interest at 9% by the Tribunals by exercising their discretion, this Court is not inclined to interfere with the said exercise of discretion by the Tribunals, which is within their jurisdiction.

In the circumstances, all the appeals are dismissed confirming the impugned awards passed by the Tribunals. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

25.11.2015

vs

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