

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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**CIVIL MISCELLANEOUS APPEAL No.4650 of 2003
AND
CROSS OBJECTIONS (SR) No.12990 of 2005**

Between:

The United India Insurance Company Ltd.,
Rep.by its Branch Manager, Branch Office
Godown Road, Nizamabad.

....Appellant

and

Dr.G.Gurva Reddy,
and another.

....Respondents

JUDGMENT PRONOUNCED ON : 02.11.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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**CIVIL MISCELLANEOUS APPEAL No.4650 of 2003
AND
CROSS OBJECTIONS (SR) No.12990 of 2005**

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JUDGMENT:

This appeal was filed by the Insurance Company, who was respondent No.2 in O.P.No.548 of 1997. The first respondent in the appeal filed O.P.No.548 of 1997 claiming compensation of Rs.1,00,000/- with costs and interest @ 24% per annum. The Tribunal by its order dated 17.09.2002 awarded the said amount of Rs.1,00,000/- with costs

and interest @ 9% per annum. Challenging the said award the Insurance Company filed the present appeal and the claimant – first respondent, filed cross objections to the extent of denial of interest.

In the main appeal preferred by the Insurance Company, the second respondent – owner, was not served and the appeal was dismissed for default as against the owner by order dated 28.01.2011.

In the circumstances, this appeal is not maintainable in the absence of the owner of the vehicle, and the same is, accordingly, dismissed.

However, with regard to the cross objections filed by the first respondent herein to the extent of denial of interest, it has to be seen that the Tribunal awarded interest @9% per annum in accordance with law and no decision is shown by the learned Counsel for the first respondent for enhancement of the said interest to 12% per annum, and in view of the same, the Cross Objections filed by the first respondent are also dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

02.11.2015
vs