HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA MP No.4793 of 2010 in MACMA No.2639 of 2015 &
MACMA No.2639 of 2015

COMMON JUDGMENT :

Delay in filing the appeal is condoned.

2) As the 2nd respondent to the appeal, is no other than the 1st respondent to the claim petition, owner of the bus remained exparte before the Tribunal not necessary party vide **Meka Chakra Rao v. Yelubandi Baburao**[1].

3) Heard the learned counsel for the A.P.S.R.T.C. and the insurance company and also the learned counsel for the 1st respondent i.e., the claimant. At request of both parties the appeal is taken up for hearing.

4) The claim petition was filed by the injured/claimant against the owner of the bus bearing No.AP 9W 1756, insurer of the bus and the A.P.S.R.T. with whom the bus is hired by the owner, for Rs.2,00,000/- and the Tribunal after contesting by award dated 08.04.2010 granted compensation of Rs.64,466/- with interest at 9% p.a. The present appeal is filed as the Tribunal exonerated the insurer from liability and fixing the liability only against R.T.C and also impugning the rate of interest. So far as the rate of interest is concerned, law is settled from **TN Transport Corporation v. Raja Priya**[2], **Rajesh v. Rajbir Singh**[3] that 7.5% p.a. interest is reasonable, hence to be reduced.

5) Coming to the exoneration of the insurer and the owner from liability in fixing, law is fairly settled from the expression of the Apex Court in ***Uttar Pradesh State Road Transport Corporation V. Kulsum***[4], ***APSRTC, Hyderabad V. B.kanakaratnabai***[5].

6) In the result, the appeal is partly allowed by reducing the rate of interest from 9% to 7.5% p.a. and fixing the liability of owner and insurer and if any amount paid so far by the A.P.S.R.T.C shall be reimbursed from the insurance company. In all other respects, the award of the Tribunal holds good. There shall be no order as to costs.

7) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

Date: 23-11-2015
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[1] 2001(1)ALT 495 DB
[2] (2005) 6 SCC 236
[3] 2013 ACJ 1403=(4)ALT-35(SC).
[4] (2011)8 SCC 142
[5] 2013(1)ALD 644 (FB)