

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

MACMA No. 1456 of 2007

JUDGMENT :

Among the seven appellants/claimants, no other than wife, minor children and parents of the deceased Abdul Kareem, aged about 42 years as per Ex.A-2 inquest report, post mortem report not traced from the evidence on record of the accident happened dated 18.01.1988, in the claim filed in O.P. No.35 of 1988 under Section 111A of the old Act claiming Rs.1,90,000/- towards compensation, against the A.P.S.R.T.C and its driver of the bus bearing No.AAZ 7345 saying while the deceased was proceeding on his moped, the bus coming from opposite direction dashed, resulting in his death on the same day, from the Section of law of Crime No.6/ 1988 shown altered therefrom, and the Tribunal since awarded Rs.1,50,000/- with interest at 9%p.a impugning said quantum as low filed the appeal.

2) It is the submission in the course of hearing of the appeal that the Tribunal ought to have been awarded the compensation as claimed of Rs.1,90,000/- even there was a settlement before Lok Adalat (for any lesser sum) as referred in para No.10 of the award of the Tribunal that was not fructified from the parties not signing the same. Whereas it is

the submission of the learned counsel for the R.T.C that the award of the Tribunal holds good and for this Court while sitting in appeal, against the amount arrived in the award, by not even considering the contributory negligence of the deceased, there is nothing to interfere, but for to reduce rate of interest.

3) Heard and perused the material on record.

4) A perusal of the record shows, the claim of Rs.1,90,000/- is the just compensation to consider but for to reduce the rate of interest from 9% p.a. to 7.5% p.a. by upholding the award of the Tribunal in all other respects.

5) In the result, the appeal is partly allowed by enhancing the compensation from Rs.1,50,000/- to Rs.1,90,000/- but by reducing the rate of interest from 9% p.a. to 7.5% p.a. Rest of the terms of the award of the Tribunal holds good. There shall be no order as to costs. Pending miscellaneous petitions, if any, in both the appeals shall stand cancelled.

Dr. B. SIVA SANKARA RAO, J

16.09.2016
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