

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3087 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 06.06.2005 in O.P.No.349 of 2003 on the file of the Motor Accident Claims Tribunal-cum-V Additional District Judge, Nalgonda at Miryalaguda (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. There is no representation for the respondents-claimants. This appeal pertains to the year 2005. Hence, it can be disposed of on merits basing on the material available on record.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal had not taken the correct income of the deceased as well as not applied correct multiplier. The Tribunal, without deducting any amount towards personal expenses of the deceased, granted compensation to the claimants at Rs.2,25,000/-, which is erroneous and ultimately prayed to reduce the same.

4. As per the record, the deceased-Palleboina Satyanarayana, who was aged 12 years, succumbed to the injuries sustained by him in a road accident occurred due to the rash and negligent driving of the driver of auto bearing No.AP 22U 4316.

5. Insofar as the assessment of compensation is concerned, the Tribunal rightly awarded the compensation at Rs.2,25,000/- for the death of a boy of 12 years and it is based on sound legal

principles. Hence, the grant of compensation is not excessive. There is nothing to take a different view.

6. As regards rate of interest, it is apt to refer to the decision of the Apex Court in Dharampal Vs. State Road Transport Corporation¹, wherein, the Apex Court awarded interest @ 7.5% per annum on the amount awarded as compensation. In the instant case, the Tribunal granted interest @ 9% per annum, which is excessive.

7. Hence, the quantum of compensation of Rs.2,25,000/- which was awarded by the Tribunal in favour of the respondents-claimants is confirmed, but the rate of interest awarded thereon is reduced from 9% per annum to 7.5% per annum. The other terms of the impugned order remain unaltered.

8. Accordingly, the appeal is partly allowed. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 02.08.2018
ssp

Dr. SHAMEEM AKTHER, J

¹ MANU SC 7680 2008