

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

MACMA No. 1168 of 2010

JUDGMENT:

This appeal is directed against the order, dated 26.11.2009 in MVOP No.623 of 2006 by the Chairman, Motor Accidents Claims Tribunal-cum-Chief Judge, City Civil Court, Hyderabad.

2. The appellant is the A.P.S.R.T.C. This appeal is filed aggrieved by the orders passed by the Tribunal awarding compensation of Rs.4,23,000/- with interest at 9% per annum.

3. The claimants are the petitioners 1 to 4, the legal heirs of the deceased filed the M.V.O.P.No.623 of 2006 under Section 166 of the Motor Vehicles Act claiming compensation of Rs.7 lakhs on account of death of deceased Satish Kumar Varma in a motor vehicle accident occurred on 15.10.2005.

4. The accident occurred while the deceased was going along with one Rajesh, on a motorcycle bearing No.ADO-4989, from Uppal towards Amberpet, and when they reached Jaya Durga Steels at Ramanthapur, one R.T.C. bus bearing No. AP-11-Z-1713 came in a rash and negligent manner at high speed and dashed the motorcycle from behind, as a result of which, the deceased and Rajesh sustained fatal injuries. The deceased died on the way to Hospital and the other person died on the spot. The deceased was 24 years old by the date of the accident, and he was working as False-ceiling layer, and was earning Rs.6,000/- per month. The police registered a case in Crime No.606 of 2005 under Section 304-A IPC.

5. Counter filed on behalf of the A.P.S.R.T.C. denying the allegations made in the petition and the petitioners are put to strict proof of the age,

and income and occupation of the deceased. It is also stated that there were two pillion riders going on the motorcycle at the time of the accident and when they tried to overtake the bus from left side, then the accident has occurred and the deceased sustained injuries in the accident and died. It is stated that the accident occurred due to the rash and negligent driving of the driver of the motorcycle. It is also stated that the claim is excessive. Hence, sought for dismissal of the petition.

6. The Tribunal on consideration of the evidence, has held that the accident occurred due to the rash and negligent driving of the driver of the bus and has awarded compensation of Rs.4,23,000/- with interest at 9% per annum.

7. Heard the learned counsel for the appellants and the learned counsel for the respondents.

8. Learned counsel for the appellants submitted that the compensation awarded by the Tribunal is excessive including the rate of interest. Therefore, sought for reducing the compensation amount and rate of interest.

9. Learned counsel for the respondents submitted that the Tribunal has awarded adequate compensation with interest at 9% per annum and it need not be reduced.

10. In view of the facts and circumstances of the case, since the award passed by the Tribunal is concerned, it is just and reasonable and it does not require any interference.

11. As far as the rate of interest @ 9% per annum awarded by the Tribunal is concerned, the learned counsel for the respondents has conceded that he has no grievance if the rate of interest is reduced to 7.5% per annum. Therefore, taking into consideration the facts and

circumstances of the case, the rate of interest is modified to that of 7.5% per annum. In view of the decision of the Apex Court in *Dharampal and others Vs. U.P. State Road Transport Corporation*¹, this Court feels it appropriate to award interest at the rate of 7.5% p.a. from the date of petition till realization. On the submission of the learned counsel for the appellant, In the light of the decision reported above, the rate of interest is reduced from 9% to 7.5%.

12. In the result, the appeal is partly allowed modifying the award by reducing the rate of interest from 9% per annum to 7.5% per annum. Except modifying the rate of interest, the award passed by the Tribunal shall be intact. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this appeal shall stand closed.

Date: 20.03.2017.
ccm



G. SHYAM PRASAD, J

¹ MANU/SC/7680/2008

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Date:20.03.2017