HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A. Nos.2450 of 2005 & 2522 of 2013

COMMON JUDGMENT:

These appeals are arising out of the common order and decree dated 31.01.2005 in O.P.No.662 of 2001 and 603 of 2002 respectively on the file of the Chairman, Motor Accident Claims Tribunal (III Additional District Judge), Warangal (for short, the Tribunal).

2. The APSRTC is the first respondent in the above two OPs, which are arsing out of the same accident.

3. Heard Sri P.Vasudeva Reddy, learned Standing Counsel for the appellant and Sri Ajay Kumar Madisetty, learned counsel for respondent Nos.1 and 2.

4. Learned counsel for the appellant submits that he is not disputing facts of the liability or the quantum of compensation awarded by the Tribunal, except the rate of interest.

5. The only point that arises for consideration in these matters is whether the rate of interest awarded by the Tribunal is excessive?

6. The appellant is APSRTC in both the appeals. The Original Petitioners are the legal heirs of the deceased. The Tribunal, on consideration of the evidence of both parties, has awarded compensation in both the OPs against the APSRTC awarding interest @9% per annum.

7. The appellant is only challenging the rate of interest as excessive. The Tribunal awarded interest @ 9% per annum in the year 2002.

8. It is the contention of the learned counsel for the appellant that in the year 2002, the rate of interest @ 9% per annum was on higher side, and therefore, requested to reduce the same.

9. The facts in the above Original Petitions are not in dispute, except the rate of interest awarded by the Tribunal. In the year 2002, the rate of interest was very low, even as per the Reserve Bank of India guidelines. But, the Tribunal has awarded interest @ 9% per annum, which is excessive. Learned counsel for respondent Nos.1 and 2 has also conceded for reducing the rate of interest from 9% per annum to 7.5% per annum.

10. On consideration of the representation of learned counsel for the appellant, and in view of the fact that learned counsel for respondent Nos.1 and 2 has conceded for reducing the rate of interest, the rate of interest is reduced from 9% to 7.5%, as per the ratio laid down by the Hon'ble Supreme Court in Dharampal and others Vs. U.P. State Road Transport Corporation[1].

11. In the result, the appeals are allowed in part, reducing the rate of interest, awarded by the Tribunal, from 9% per annum to 7.5% per annum from the date of petition till realisation. The rest of the awards shall be intact. Consequently, Miscellaneous Petitions pending, if any, shall stand closed. No costs.

_____

GUDISEVA SHYAM PRASAD, J.

Date: 07.04.2017
TJMR

---

[1] MANU/SC/7680/2008