

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1660 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the grant of compensation of Rs.67,000/- as against a claim of Rs.1,00,000/-, by the VI Additional District Judge (Fast Track Court), East Godavari District, Rajahmundry *vide* order, dated 06.04.2005, passed in O.P.No.347 of 2001.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the New India Assurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that the Court below awarded the compensation of Rs.67,000/- as against a claim of Rs.1,00,000/-, which is meagre; that the Court below erred in awarding 6% interest only on the awarded compensation and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel for the New India Assurance Company Limited appearing for respondent No.2 would contend that the Court below had taken all the factors into consideration and rightly assessed the compensation at Rs.67,000/-, which is just and reasonable; that there are no circumstances to interfere with the same and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both the counsel, the short point that falls for determination is:

“Whether the appellant/claimant is entitled for enhancement of compensation?”

6. **POINT:-** The Court below, while dealing with the matter, relied on a decision reported in **Kore Lakshmi and others vs. United India Insurance Company Limited and others [2003 (6) ALD 182 (DB)]** and held that the claimant is entitled for the compensation under the Workmen’s Compensation Act. Accordingly, it assessed the compensation and fixed at Rs.67,000/-, but the Court below awarded interest at 6% per annum only. As far as the assessment and award of compensation at Rs.67,000/- is concerned, there is justification on the part of the Court below. The award of interest at the rate of 6% per annum is less and under the Workmen’s Compensation Act, the claimant is entitled to interest at the rate of 12% per annum from the date of application till the date of realisation. Therefore, a change to this effect is required to be made. Hence, the impugned order to the extent of granting compensation of Rs.67,000/- is confirmed. However, the rate of interest is enhanced from 6% per annum to 12% per annum from the date of application till the date of realisation.

7. Accordingly, this appeal is allowed in part modifying the order, dated 06.04.2005, passed in O.P.No.347 of 2001 by the VI Additional District Judge (Fast Track Court), East Godavari District, Rajahmundry, enhancing the rate of interest from 6% per annum to 12% per annum from the date of application till the date

of realisation. There is no change in the other conditions or directions imposed by the Court below. The appellant/claimant is permitted to withdraw the entire amount along with the accrued interest thereon. There shall be no order as to costs.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 23.07.2018
AMD



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