

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3364 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) is filed by the appellant-the National Insurance Company Limited, challenging the order, dated 09.02.2005, passed in O.P.No.67 of 2000, by the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Khammam ('the Tribunal', for brevity).

2. Heard the learned Standing Counsel for the appellant-Insurance Company and perused the record. Despite listing this matter under the caption "For Orders", there is no representation for the respondents 1 to 3/claimants. This appeal is of the year 2005. Hence, this appeal can be disposed of on merits basing on the material available on record, without waiting for the learned counsel for the respondents 1 to 3/claimants to advance arguments.

3. The only contention of the learned Standing Counsel for the appellant-Insurance Company that the Tribunal awarded interest at the rate of 9% per annum on the amount granted as compensation from the date of petition till realisation, which is excessive and ultimately prayed to reduce the rate of interest.

4. It is not in dispute that the deceased-Bixamaiah died in a road accident occurred on 09.05.1999, due to rash and negligent driving of the driver of the Auto bearing registration No.AP-20-U-

1029. The Tribunal, after analysing the entire evidence on record, granted a compensation of Rs.1,00,000/- as claimed, with interest at the rate of 9% per annum from the date of petition till realisation. As per the record, the deceased was 45 years old as on the date of accident. Grant of Rs.1,00,000/- as compensation in favour of the respondents 1 to 3/claimants with interest at the rate of 9% per annum from the date of petition till realisation is not excessive. There are no circumstances to interfere with the impugned order. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

14th August, 2018
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Dr. SHAMEEM AKTHER, J

