

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2463 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellants/respondents, aggrieved by the grant of compensation of Rs.65,000/- to the respondents/claimants with proportionate costs and interest at 9% per annum from the date of petition till the date of realisation, as against a claim of Rs.2,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – I Additional District Judge, Nalgonda (for short, “the Tribunal”) *vide* order, dated 31.10.2003, passed in O.P.No.549 of 2000.

2. Heard the learned counsel for the appellants/respondents. Though this matter is listed under the caption “For Orders”, there is no representation for the respondents/claimants in spite of service of notice. The matter pertains to the year 2005. So, it can be disposed of basing on the material available on record.

3. Learned counsel for the appellants would contend that there is no negligence on the part of the driver of the tractor bearing No.AP-20-T-1528; that the Tribunal had granted the compensation of Rs.65,000/- with interest @ 9% per annum, which is excessive, and prayed to reduce the same and ultimately, prayed to set aside the impugned order.

4. In view of the submissions made by the learned counsel for the appellants, the point that arises for determination is:

“Whether the compensation of Rs.65,000/- along with interest at the rate of 9% per annum from the date of the petition till the date of realisation is excessive and the same is liable to be reduced?”

5. **POINT:-** As seen from the entire material on record i.e., evidence of P.Ws.1 and 2 and the recitals in Exs.A-1 and A-2, there is ample evidence on record to show that the deceased Kotha Lingaiah succumbed to the injuries suffered in a motor accident that occurred on 15.10.1999 due to the rash and negligent driving of the driver of tractor bearing No.AP-20-T-1528. There is no infirmity in the finding recorded by the Tribunal on this aspect. With regard to the assessment and award of compensation and interest, the Tribunal, taking into consideration the evidence on record i.e., evidence of P.W.1 and recitals in Exs.A-3 and A-4, with regard to the age, earning capabilities etc., of the deceased Kotha Lingaiah, having deducted 1/3rd towards his personal expenses and applying the multiplier “4.21” for the age of “55” of the deceased, had rightly assessed the compensation payable to the claimants at Rs.65,000/-. There is no infirmity in the said finding. Hence, with regard to compensation, the impugned order does not warrant interference of this Court.

6. As regards the rate of interest, it is apt to refer to the decision of the Apex Court in **Dharampal Vs. State Road Transport Corporation**¹ wherein the Apex Court awarded interest at the rate of 7.5% per annum on the amount awarded as compensation. In the instant case, the Tribunal granted interest at the rate of 9% per annum, which is excessive.

¹ MANU SC 7680 2008

7. Accordingly, the quantum of compensation of Rs.65,000/-, 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. In the result, the appeal is partly allowed. There shall be no order as to costs.

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

Date : 17.08.2018
AMD

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