

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2173 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellants/APSRTC, aggrieved by the grant of compensation of Rs.63,000/- as against a claim of Rs.1,00,000/- to the respondent/claimant, by the Chairman, Motor Accident Claims Tribunal-cum-VI Additional District Judge, Nizamabad ('the Tribunal', for brevity), vide order, dated 12.07.2004, passed in O.P.No.1096 of 1998.

2. Heard the submissions of the learned Standing Counsel for APSRTC representing the appellants, Sri Kuldeep Jadhav, learned counsel, representing Sri P.Radhive Reddy, learned counsel for the respondent/claimant and perused the record.

3. The learned Standing Counsel for appellants-APSRTC would contend that the Tribunal had granted excessive compensation of Rs.63,000/- as against a claim of Rs.1,00,000/- on account of the injuries suffered by the respondent/claimant in a motor accident occurred on 31.10.1998 due to rash and negligent driving of the driver of the APSRTC bus bearing registration No.AP-09-Z-6306. The Tribunal also granted interest at the rate of 9% per annum from the date of petition till the date of deposit, which is exorbitant and ultimately prayed to reduce the compensation.

4. On the other hand, the learned counsel for the respondent/claimant would submit that the Tribunal had taken all the relevant factors into consideration and granted just and

reasonable amount as compensation. There are no circumstances to interfere with the same and ultimately prayed to dismiss the appeal.

5. It is not in dispute that respondent-claimant suffered injuries in a motor accident occurred on 31.10.1998 due to rash and negligent driving of the driver of the bus belonging to the appellants-APSRTC, bearing registration No.AP-09-Z-6306. So, the only point that arises for determination in this appeal is whether the compensation granted by the Tribunal in favour of the respondent/claimant is liable to be reduced.

6. The Tribunal, after analysing the oral evidence of P.W.1 (claimant), P.W.2-Dr.T.Narsing Rao, who treated the claimant, and the documentary evidence in Exs.A.1 to A.4, held that the respondent-claimant suffered three fractures and granted an amount of Rs.30,000/- for three fractures, Rs.15,000/- towards medical expenses and Rs.18,000/- towards loss of earnings for six months. In all, the Tribunal granted a compensation of Rs.63,000/- to the respondent-claimant with interest @ 9% per annum from the date of petition till the date of deposit. Grant of compensation of Rs.63,000/- by the Tribunal for the injuries suffered by the respondent-claimant and the treatment taken for the same is just and reasonable.

7. The Tribunal granted interest at the rate of 9% per annum on the amount granted as compensation. It is apt to refer to the decision of the Apex Court in Dharampal Vs. State Road Transport Corporation¹, wherein, the Apex Court awarded

¹ MANU SC 7680 2008

interest at the rate of 7.5% per annum on the amount awarded as compensation. There are number of other citations, wherein, interest was awarded at the rate of 7.5% per annum on the amount awarded as compensation. In view of the same, awarding interest at the rate of 9% per annum on the amount awarded as compensation by the Tribunal is held excessive.

8. Accordingly, this appeal is allowed in part modifying the Order, dated 12.07.2004, passed in O.P.No.1096 of 1998 by the Tribunal, only to the extent of reducing rate of interest from 9% per annum to 7.5% per annum on the amount granted as compensation (Rs.63,000/-) from the date of application till realisation. The other terms of the Order under challenge remain unaltered. On deposit of the compensation, the respondent-claimant is permitted to withdraw the entire amount with interest.

Miscellaneous Petitions pending, if any, shall stand closed.
No order as to costs.

18th July, 2018
Bvv

Dr. SHAMEEM AKTHER, J