

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2030 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988, by the appellant-APSRTC aggrieved by the order dated 01.04.2005 passed in M.V.O.P.No.39 of 2003 on the file of the Motor Accident Claims Tribunal-cum-III Additional District Judge, Tirupati.

2. Heard the learned Standing Counsel for appellant-APSRTC, the learned counsel for the respondent-claimant and perused the record.

3. Learned Standing Counsel for the appellant-APSRTC would contend that the Tribunal had granted compensation of Rs.1,20,000/- on different heads with interest @ 9% per annum, which is excessive and prayed to reduce the same.

4. Learned counsel for the respondent-claimant would contend that the Tribunal had assessed and awarded the compensation on all heads, which is just and reasonable. There are no circumstances to interfere with the compensation and ultimately prayed to dismiss the appeal.

5. In view of the submissions made on both sides, the point that arises for determination is, whether the compensation awarded in favour of the respondent-claimant is liable to be reduced?

6. It is evident from the oral and documentary evidence that the respondent-claimant suffered the following injuries in a road accident that occurred on 01.11.2000 due to rash and

negligent driving of APSRTC bus bearing No.AP 10 Z 9339 by its driver.

1. Abrasion of 2 x 1 cm on the left thumb.
2. Small abrasion of 1 x 1 cm. on the right fore arm and
3. Deformity of right knee and lower 1/3rd of thigh, fracture of shaft of femur.

X-rays were taken. There is also documentary evidence to that effect. Ex.A5-bunch of medical bills shows an amount of Rs.3,750/- and Ex.A6-bunch of medical bills shows an amount of Rs.2,550/-. The evidence of P.W.2-doctor is corroborating with the expenses incurred by the respondent-claimant. After analysing the entire oral and documentary evidence, the Tribunal granted compensation as detailed below:-

For pain and suffering	Rs.30,000/-
Medical expenses	Rs.15,000/-
15% disability	Rs.40,000/-
Past and future loss of earnings	Rs.15,000/-
Future operation expenses for removal of IM Nails	Rs.20,000/-
Total	Rs.1,20,000/-

As far as the assessment of compensation is concerned, it is based on sound legal principles. There is nothing to take a different view.

7. As regards rate of interest, it is apt to refer to the decision of the Apex Court in Dharampal Vs. State Road Transport Corporation¹, wherein, the Apex Court awarded interest @ 7.5% per annum on the amount awarded as

¹ MANU SC 7680 2008

compensation. In the instant case, the Tribunal granted interest @ 9% per annum, which is excessive.

8. Hence, the quantum of compensation of Rs.1,20,000/- which was awarded by the Tribunal in favour of the respondent-claimant 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.

9. Accordingly, the appeal is disposed of. There shall be no order as to costs.

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

4th July, 2018
ssp

Dr. SHAMEEM AKTHER, J

