

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2856 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellants-claimants aggrieved by the order dated 23.12.2004 in O.P.No.494 of 2003 on the file of the Motor Accident Claims Tribunal-cum-XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for the appellants-claimants, the learned Standing Counsel for the respondent-Insurance Company and perused the record.

3. Learned counsel for the appellants-claimants would contend that the Tribunal granted meager compensation of Rs.1,00,000/- for the death of a boy, who was aged seven years. The appellant has filed a petition to enhance the compensation from Rs.1,00,000/- to Rs.2,00,000/- and ultimately, prayed to enhance the compensation to Rs.2,00,000/-.

4. Learned counsel for the respondent-insurance company would contend that the Tribunal is justified in granting compensation and ultimately, prayed to dismiss the appeal.

5. Admittedly, the parents of the deceased have filed the claim petition before the Tribunal claiming compensation of Rs.1,00,000/-. The Tribunal having considered the oral and documentary evidence allowed the claim petition as prayed for, i.e., by granting compensation of Rs.1,00,000/- with interest @ 6% per annum. When the appellants claimed Rs.1,00,000/- and when the said claim was allowed, the filing of the petition before this Court to

amend the claim petition enhancing the claim to Rs.2,00,000/- is an after thought. Therefore, the claimants are not entitled to claim Rs.2,00,000/- as contended.

6. 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 compensation. In view of the same, awarding interest @ 6% per annum on the amount awarded as compensation by the Tribunal is on lower side.

7. Accordingly, this appeal is allowed in part modifying the order, dated 23.12.2004 in O.P.No.494 of 2003, passed by the Tribunal, only to the extent of enhancing the interest at the rate of 6% per annum to 7.5% per annum on the amount granted as compensation from the date of petition till the date of deposit. The other terms of the order under challenge remain unaltered. On deposit of the compensation, the appellants-claimants are permitted to withdraw the same along with interest accrued thereon.

Miscellaneous Petitions pending, if any, in this appeal shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 04.10.2018
ssp

¹ MANU SC 7680 2008