

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.811 OF 2002

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 04.06.2001 in O.P.No.909 of 1996 on the file of the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Ranga Reddy District (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance company and perused the record.

3. Learned counsel appearing for the appellant-Insurance company would submit that the Tribunal had granted compensation of Rs.2,10,454/- with interest at the rate of 12% per annum, which is excessive and prayed to reduce the same.

4. In spite of service of notice, there is no representation on behalf of respondents-claimants. As this appeal relates to the year 2002, it can be disposed of on merits.

5. As seen from the evidence and documents, it is evident that Ram Mohan Rao died on 14.02.1996 in a motor accident, which occurred on 03.02.1996 due to rash and negligent driving of the driver of the tanker lorry bearing No.MH 04P/8532. There is oral and documentary evidence to substantiate the same. There is nothing to take a different view. As per the evidence on record, the deceased was 56 years old and was employed in M/s.Martoparl Alloys Private Limited and drawing Rs.6,000/- per month as salary. Ex.A14 salary certificate was marked wherein the annual salary of the deceased was shown as Rs.68,529/-. The Tribunal had taken the same into consideration and granted

compensation of Rs.1,57,200/- towards loss of dependency by applying appropriate multiplier and also granted Rs.23,252/- towards medical expenses, Rs.15,000/- towards loss of consortium and another Rs.15,000/- towards loss of estate. In all, the Tribunal granted Rs.2,10,454/- with interest at 12% per annum from the date of filing of the petition till the date of deposit.

6. As far as the assessment of compensation is concerned, it is based on sound legal principles. Therefore, there is nothing to vary. The settled legal position is that the claimants are entitled to interest at the rate of 7.5% per annum on the amount granted in their favour. Therefore, the grant of interest at the rate of 12% per annum is excessive.

7. Hence, the quantum of compensation of Rs.2,10,454/- which was awarded by the Tribunal in favour of the claimants is confirmed, but the rate of interest awarded thereon is reduced from 12% per annum to 7.5% per annum. The other terms of the impugned order remain unaltered.

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

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 11.06.2018
ssp