

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.28 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-claimant aggrieved by the order dated 13.09.2004 in O.P.No.2562 of 2001 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad (for short, 'the Tribunal').

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

3. Learned counsel for the appellant-claimant would contend that the compensation granted by the Tribunal is meagre. The Tribunal had not granted adequate compensation and ultimately prayed to enhance the same as claimed.

4. On the other hand, learned Standing Counsel for the respondent-insurer would contend that the Tribunal had taken all the facts and circumstances into consideration and granted adequate and just compensation. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

5. The O.P. was filed for grant of compensation for the injuries suffered by the appellant in a road accident that occurred on 20.08.2001 due to rash and negligent driving of driver of van bearing No.AP10 T 2121. The Tribunal had taken '17' as multiplier and assessed disability at 30%. Slight deviation in the figure of multiplier in cases of computation of damages towards permanent and partial disability cannot be faulted and it does not warrant any interference in

this appeal. As far as compensation under other heads is concerned, the Tribunal analysed the entire evidence and granted adequate compensation on different heads. The finding of the Tribunal is based on evidence on record. There is no infirmity with regard to the assessment and grant of compensation by the Tribunal.

6. As regards 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 @ 7.5% per annum on the amount awarded as compensation. In view of the same, the appellant is entitled only for enhancement of interest from 6% per annum to 7.5% per annum, accordingly it is granted.

7. In the result, this appeal is allowed in part modifying the order, dated 13.09.2004, passed by the Tribunal in O.P.No.2562 of 2001, only to the extent of awarding interest at the rate of 7.5% per annum on the amount granted as compensation (Rs.2,70,000/-) 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 appellant-claimant is permitted to withdraw the entire amount with interest.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Dr. SHAMEEM AKTHER, J

Date: 21.06.2018
ssp

¹ MANU SC 7680 2008