

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.4240 of 2004

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) is filed by the appellant/National Insurance Company Limited, challenging the order, dated 05.07.2004, passed in O.P.No.50 of 2001 by the Chairman, Motor Accident Claims Tribunal-cum-Additional District Court, Hindupur.

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. Despite listing this appeal under the caption "For Orders", there is no representation for the respondents. This appeal is of the year 2004. Hence, this appeal can be disposed of on merits without waiting for the learned counsel for the respondents to advance arguments.

3. It is contended on behalf of the appellant-Insurance Company that the Tribunal awarded a compensation of Rs.2,15,000/- to the respondents 1 to 4/claimants with interest at the rate of 6% per annum from the date of petition till realisation. While the O.P. was pending, the Tribunal by order, dated 17.08.2001, passed in I.A.No.494 of 2001, granted interim compensation of Rs.50,000/- to the respondents 1 to 4/claimants under 'No Fault Liability' and directed the appellant-Insurance Company to deposit the said interim compensation into the Court within a month from the date of the said order.

4. It is evident from record that the Tribunal awarded a total compensation of Rs.2,15,000/- to the respondents 1 to 4/claimants

by way of final order, but did not state anything with regard to grant of Rs.50,000/- under 'No Fault Liability'. In view of the same, the interim compensation of Rs.50,000/- granted in favour of respondents 1 to 4/claimants under 'No Fault Liability', is required to be deducted from the total compensation of Rs.2,15,000/- granted in favour of the respondents 1 to 4-claimants.

5. Accordingly, the total compensation payable to the respondents 1 to 4-claimants in the impugned order is Rs.1,65,000/- (Rs.2,15,000/- minus Rs.50,000/-) with interest at the rate of 6% per annum from the date of petition till realisation. It is clarified that the payment of Rs.1,65,000/- is in addition to Rs.50,000/- awarded under the head of 'No Fault Liability'.

6. With the above modification, this appeal is disposed of. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

29th June, 2018
Bvv

Dr. SHAMEEM AKTHER, J