THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2264 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellant-APSRTC (now 'TSRTC') aggrieved by the order dated 19.09.2003 in M.V.O.P.No.1512 of 2002 on the file of the III Motor Accident Claims Tribunal, Warangal (for short 'the Tribunal').

2. Heard the learned counsel for appellant-RTC, the learned counsel for respondent-claimant and perused the record.

3. Learned counsel for the appellant-RTC would contend that the Tribunal had granted excess compensation of Rs.1,00,000/- with interest @ 9% per annum and ultimately prayed to reduce the same.

4. Learned counsel for the respondent-claimant would contend that the Tribunal justified in granting compensation of Rs.1,00,000/- with interest @ 9% per annum and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the only point for determination is, whether the compensation as well as interest granted by the Tribunal is liable to be reduced?

6. There is no dispute with regard to the respondent-claimant suffering injuries in a motor accident occurred on 24.09.2002 due to the rash and negligent driving of the driver of bus bearing No.AP10Z 4858. The only dispute is with regard to quantum of compensation.

7. While dealing with the subject matter of the claim, the Tribunal held that the claimant suffered fracture to left ulna and radius, fractures to 5^{th}, 6^{th} and 7^{th} ribs, fracture to left ankle and closed head injury. The claimant has filed Ex.A6-disability certificate, wherein the disability suffered by the claimant is shown as 20%. Taking the facts and circumstances into consideration, the Tribunal assessed the compensation payable to the claimant at Rs.1,61,000/-, but awarded Rs.1,00,000/- as claimed by the respondent-claimant. So, there is no infirmity in the assessment and grant of compensation. Since the Tribunal assessed the compensation at Rs.1,61,000/- and awarded Rs.1,00,000/- as claimed, there is no justification in the contention that granting interest @ 9% per annum on Rs.1,00,000/- is excessive. The appeal is devoid of merit and it is liable to be dismissed.

8. In the result, the appeal is dismissed.

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

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Dr. SHAMEEM AKTHER, J

Date: 07.08.2018
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