

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CMA NO. 2665 OF 2004

JUDGMENT:

This appeal is directed by the insurance company against the award dated 25.09.1998 passed by the Motor Accidents Claims Tribunal-cum-District Judge, Warangal (for short 'the Tribunal), in M.V.O.P.No.531 of 1996, whereby the Tribunal awarded compensation of Rs.12,000/- with interest @ 12% per annum from the date of petition till the date of realization on account of the injuries caused in a motor vehicle accident that occurred on 22.11.1995, when the injured was going on a cycle, Hero Honda driven by the 2nd respondent dashed him as against the claim of Rs.60,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Learned counsel for the appellant/insurance company contended that the claimant did not chose to file insurance policy and in the absence of policy the tribunal erred in fixing the liability

4. As seen form the material available on record, the insurance company has not adduced any evidence or marked any documents on its behalf, hence, the appellant cannot improve its case in the appeal. The award passed by the tribunal is well considered and needs not interference with regard to issues 1 and 2. However, insofar as interest is concerned, this Court feels that 12% per

annum interest is excessive and the same is reduced to 7.5% per annum as per the decision in **Rajesh v Rajbir Singh**¹.

5. In the result, MACMA is allowed in part reducing the interest from 12% to 7.5% per annum. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 27.08.2019
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¹ 2013 ACJ 1403.