

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1332 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the decree and order dated 29.11.2005 passed in O.P.No.1543 of 2000 by the Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal), whereby the tribunal awarded compensation of Rs.4,00,000/- with interest @ 9% per annum from the date of petition till the date of realization on account of the accident occurred on 26.02.1998.

2. Before the tribunal, in order to prove the case of the claimants, PWs.1 to 3 were examined and marked Exs.A.1 to A.7 on behalf of the claimants and Ex.C.1 was examined. Ex.B.1-policy was marked on behalf of the respondents and no oral evidence is adduced by the respondents.

3. Learned standing counsel for the insurance company contended that the crime vehicle was not having fitness certificate and that the compensation granted by the tribunal is excessive and hence, prayed to allow the appeal by setting aside OP and also contended that the rate of interest may be reduced to 7.5% per annum.

4. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference of this Court. It is needless to observe that once the vehicle was covered under the policy and during the policy period the accident has taken place, the insurance company is liable to pay the compensation. However, the rate of interest granted by the tribunal is reduced from 9% to 7.5% per annum and the appeal filed by the insurance company is liable to be allowed in part.

5. In view of the above, the appeal is allowed in part reducing the rate of interest from 9% 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: 28-10-2019
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