THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2505 OF 2007

JUDGMENT:

This appeal is directed by the insurance company against the decree and order dated 05.05.2006 passed in O.P.No.134 of 2003 by the Motor Accidents Claims Tribunal-cum-VI Additional District Judge, FTC, Nizamabnad at Kamareddy (for short 'the Tribunal), whereby the tribunal awarded compensation of Rs.15,000/- with proportionate costs and interest @ 9% per annum from the date of petition till the date of realization on account of the accident occurred on 08.11.2002.

2. Before the tribunal, in order to prove the case of the claimant, PW.1 was examined and marked Exs.A.1 to A.8 and Ex.B.1-insurance policy was marked, but no oral evidence was adduced on behalf of the respondents.

3. Learned standing counsel for the insurance company contended that the seating capacity of the vehicle is 5 +1 only, but 10 persons were traveling, which is gross violation of the policy conditions and that no doctor was examined to prove Ex.A.3 and hence, the Insurance Company is not liable to pay the compensation and 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. Learned counsel appearing for the claimant contended that the award passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

5. 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. However, the rate of interest granted by the tribunal is excessive and hence, reduced from 9% to 7.5% per annum and the appeal filed by the insurance company is liable to be allowed in part.

6. 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: 26-12-2019
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