

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1263 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the decree and judgment dated 19.10.2002 passed in O.P.No.739 of 1997 by the Motor Accidents Claims Tribunal-cum-District Judge, Nizamabnad (for short 'the Tribunal), whereby the tribunal awarded compensation of Rs.4,00,000/- with costs and interest @ 9% per annum from the date of petition till the date of realization on account of the accident occurred on 09.07.1997.

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

3. Before the tribunal, in order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A.1 to A.8 and Ex.C.1 on behalf of the claimant and no oral or documentary evidence was adduced on behalf of the respondents.

4. Learned standing counsel for the insurance company contended that the injured claimant was gratuitous passenger in goods vehicle, which is gross violation of policy conditions and hence, prayed in allow the appeal by setting

aside OP and also contended that the rate of interest may be reduced to 7.5% per annum.

5. 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.

6. 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 reduced from 9% to 7.5% per annum and the appeal filed by the insurance company is liable to be allowed in part.

7. 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: 12-11-2019
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