

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2350 OF 2006

JUDGMENT:

This appeal is filed by the appellant-2nd respondent/insurance company aggrieved by the Order and Decree dated 13.06.2006 passed in O.P.No.726 of 2003 by the Chairman, Motor Vehicle Accidents Claims Tribunal-cum-II Additional District Judge (FTC), At Adilabad (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that on 05.03.2003 at about 8.30 p.m., while the petitioner along with his husband-Domaji Narayana were traveling on a scooter from Dilawarpur Village to Satgaav and when they reached the Narsapur (G) crossing, one lorry bearing No.AP 11T-2979 suddenly came in a rash and negligent manner at high speed from the opposite direction and dashed against the petitioner's scooter, as a result of which the said Narayana had received severe head injuries and died on the spot. The petitioner was the pillion rider on that day. The petitioner had sustained head injury and injuries to other parts of the body. The petitioner was admitted to several hospitals for her treatment. Thereafter she was referred to eye specialist. The petitioner had also taken CT scan of brain at Nizamabad. The petitioner had incurred expenditure of Rs.15,000/- towards her

medical expenses. The petitioner is a beedi roller and she used to earn Rs.1,500/- per month and as well as from agriculture Rs.2,000/- per month. Due to the said accident, the petitioner is unable to open her right eye and is deprived of her right eye sight also resulting into disfigurement of the face. Therefore, the petitioner filed the claim petition claiming compensation of Rs.2,00,000/- payable by both the respondents, being the owner and insurer of the offending lorry.

4. Before the Tribunal, Respondent No.2 filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 & 2 and the documentary evidence of Exs.A-1 to A-7, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the offending lorry and awarded total compensation of Rs.74,000/-, i.e., Rs.25,000/- towards fracture injury, Rs.25,000/- towards eye injury, Rs.10,000/- towards medical expenses, Rs.5,000/- towards nourishment, Rs.5,000/- towards transport and Rs.4,000/- towards loss of income, with interest @ 9% per annum from the date of petition till the date of realization, payable by both the respondents. Aggrieved by the same, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard.

7. The order passed by the Tribunal is just and proper in the light of the Apex Court judgments with regard to granting of compensation under various heads. However, with regard to the interest awarded by the Tribunal @ 9% per annum from the date of petition till the date of realisation, which is very excessive, in view of the several decisions of the Apex Court, this Court feels that it would be just and appropriate if the interest granted by the Tribunal @ 9% is reduced to 7.5% on the awarded amount of Rs.74,000/-. Except the said modification, the remaining operative portion of the impugned order is confirmed.

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by reducing the interest from 9% to 7.5% on the compensation amount of Rs.74,000/- awarded by the Tribunal, from the date of petition till the date of realization, payable by both the respondents. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 30th October, 2019

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