

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1471 of 2006

JUDGMENT:

This appeal is filed by the appellant-insurer aggrieved by the Order and Decree dated 02-05-2006 passed in O.P.No.1117 of 1999 by the M.A.C.T.-cum-IV Additional District Judge (FTC), Mahabubnagar (for short, the Tribunal).

2. Brief facts of the case are that the claimant filed the claim petition against the appellant and 2nd respondent claiming compensation of Rs.75,000/- for the injuries sustained by him in the accident occurred on 20-07-1999 due to the rash and negligent driving of the driver of the lorry bearing No.AP 12/T 5536 when he is proceeding in the same vehicle from Bhoothpur bus stage to go to Pebbair.

3. In the claim petition, the appellant-insurer 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.

4. After considering the oral and documentary evidence on record, the trial Court came to the conclusion that the accident occurred due to the rash and negligent driving on the part of the driver of the crime vehicle and accordingly, granted an amount of

Rs.31,600/- under various heads, payable by the respondents jointly and severally, with interest at 9% per annum through out.

5. Aggrieved by the same, the appellant/insurer filed the present appeal.

6. Heard.

7. On perusal of the impugned order passed by the Tribunal, it is clear that the Tribunal after appreciating the oral and documentary evidence came to the conclusion and rightly granted compensation. I find no illegality or irregularity in the order passed by the Tribunal and therefore the order does not warrant any interference by this Court in respect of the award passed by the Tribunal. However, insofar as interest is concerned, this Court feels awarding 9% interest is excessive and accordingly, the same is reduced to 7.5%.

8. With the above modification, the appeal is partly allowed. No costs.

9. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 06.11.2019
kvr