

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3636 of 2005

JUDGMENT:

Appellant-Insurance Company filed this appeal challenging the Award dated 10.02.2005 passed in O.P.No.1207 of 2001 by the Chairman, III Motor Accidents Claims Tribunal, Warangal, granting compensation of Rs.3,40,000/- together with interest at 9% per annum as against the claim of Rs.4,82,000/- on account of the injuries sustained by the respondent-claimant in the motor vehicle accident occurred on 23.01.2000.

2. Heard. Perused the record.

3. In this appeal, the manner of accident is not disputed by the appellant. Hence, there is no necessity to probe into those details.

4. Sri Sunil Kumar, learned counsel for the appellant-Insurance Company, mainly contends that the Tribunal erred in taking the disability @ 55% in the absence of evidence of doctor. He further contends that the rate of interest awarded by the Tribunal @ 9% per annum is exorbitant.

5. As seen from the impugned judgment, the Tribunal based on the strength of Exs.A.3-Attested copy of wound certificate, Ex.A.5-Orthopaedically Handicapped Certificate and Ex.A.6-Xerox copy of Discharge card, considered the claim of the injured-claimant including considering the disability and passed a reasoned order. The appellant has not chosen to adduce any evidence and also not marked any documents except Ex.B.1-copy

of policy in support of its contention. In the absence of any evidence let in by the appellant-Insurance Company, Ex.A.5-Disability Certificate cannot be brushed aside. Further, admittedly, the vehicle involved in the accident is covered by a valid policy and there are no violations. Therefore, the Tribunal passed a well considered order fastening liability on the respondents, awarded a total compensation of Rs.3,40,000/- and the same needs no interference of this Court. However, this Court is of the view that the rate of interest awarded by the Tribunal @ 9% per annum is on higher side. Therefore, the same is hereby reduced to 7.5% per annum. Subject to above modification, the rest of the impugned award is confirmed.

Accordingly, the appeal is allowed in part.

Miscellaneous petitions pending in this appeal, if any, shall stand closed. No order as to costs.

29.08.2019
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T. AMARNATH GOUD, J