

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

M.A.C.M.A.No.2703 OF 2005

JUDGMENT:

Heard learned counsel for the appellant/insurance company and learned counsel for the claimant.

2. Feeling aggrieved by the judgment and decree dated 11.05.2002 in M.V.O.P.No.178 of 2002 passed by the II Additional District and Sessions Judge (FTC), Medak at Sanga Reddy (for short 'the Tribunal), the insurance company preferred the present appeal.

3. Vide the aforesaid judgment, the Tribunal has awarded an amount of Rs.40,000/- with proportionate costs and interest @ 9% per annum from the date of petition till the date of realisation as against the claim of Rs.1,00,000/-.

4. It is relevant to mention that the 1st respondent/claimant did not prefer any appeal seeking enhancement of compensation and hence, the only question falls for consideration is with regard to the quantum of compensation, as awarded in the impugned judgment.

5. Though the appellant/insurance company filed the present appeal on various grounds, on perusal of grounds, the challenge is only with regard to the quantum of compensation awarded by the Tribunal and there is no dispute with regard to the liability of the appellant/insurance company.

6. On the analysis of the entire evidence, in the accident, the 1st respondent-claimant received fracture injuries to ribs, hip joint, forearm and injuries all over the body. Immediately, after the accident, she was shifted to Government Hospital, Sangareddy and subsequently she was

referred to Gandhi Hospital, Secunderabad where she has taken treatment for 15 days as inpatient. Thereafter, also the claimant has taken treatment in a private Hospital at Sangareddy. In proof of the same, the 1st respondent filed Ex.A.3-injury certificate, Ex.A.4-OP chit of Gandhi Hospital and she herself examined as PW.1.

7. Admittedly, the 1st respondent sustained grievous injuries i.e. ribs, hip joint, forearm and injuries all over the body, she was shifted to Government Hospital, Sanga Reddy and on the advise of the doctors, she was referred to Gandhi Hospital, Secunderabad, where she was taken treatment for 15 days as inpatient and after discharge from Gandhi Hospital she was taken treatment in private Hospital at Sangareddy. There is no contra evidence to disprove the same. Nothing was elicited during the cross examination of PW.1 by the appellant/insurance company. Therefore, an amount of Rs.40,000/- compensation awarded by the Tribunal, according to this Court is reasonable and this Court is satisfied with the reasons given by the Tribunal.

8. Learned counsel for the appellant/insurance company would contend that the Tribunal without giving any reasons awarded interest @ 9% per annum and the same may be reduced to 7.5% per annum. As this Court in all the appeals consistently granting the rate of interest @ 7.5% per annum, in this case also, more particularly considering the contention of the appellant/insurance company that the accident was occurred on 18.02.2001, the rate of interest is reduced to 7.5% per annum.

9. In view of the same, the appeal is allowed –in-part modifying the judgment and decree dated 11.05.2002 in M.V.O.P.No.178 of 2002 passed by the II Additional District and Sessions Judge (FTC), Medak at

Sanga Reddy to the extent that the interest is reduced to 7.5% from 9% per annum from the date of petition till the date of realisation. The appellant is directed to deposit the compensation amount within one month from the date of receipt of a copy of the judgment, after deducting the amount, if any, deposited earlier. The claimant is entitled to withdraw the deposited amount. The finding of the Tribunal with regard to the pay and recovery shall remain unchanged. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stands closed.

Date 17.02.2020
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K.LAKSHMAN,J

