

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2702 of 2019

JUDGMENT:

This appeal is filed by the insurance company aggrieved by the order and decree dated 22.04.2019 in O.P.No.299 of 2015 passed by the Motor Accidents Claims Tribunal-cum-XII Additional Chief Judge, City Civil Court, Secunderabad (for short 'the tribunal'), whereby the tribunal granted compensation of Rs.3,69,925/- with interest @ 9% per annum from the date of petition till the date of realization.

2. The brief facts are that on 08.11.2014 at about 05.00 PM, the injured was proceeding from HB Colony towards Kailasgiri on foot, near Pavani Photo Studio, HB Colony, mini bus bearing No.AP09X 6111 came at high speed in a rash and negligent manner, dashed against the injured, for which the injured sustained fracture of right knee and other injuries all over the body, immediately he was shifted to Raghavendra Hospital, ECIL, Hyderabad for treatment, where, he underwent surgery.

3. The driver of the crime vehicle set exparte, no representation for the owner of the crime vehicle and the insurance company filed counter before the tribunal.

4. The tribunal examined PWs.1 to 3, marked Exs.A1 to A.9 on behalf of the claimant and RW.1 was examined and marked Ex.B.1 on behalf of the insurance company.

5. There is no dispute with regard to the manner of accident and involvement of the vehicle. The order passed by the tribunal is well considered, however, Rs.89,925/- granted by the tribunal towards medical record is on higher side, in view of Ex.A.4 and Ex.A.8 the same is reduced to Rs.40,000/-. Thus, the claimant is entitled for total compensation of Rs.3,20,000/- (Rs.5,000/- + Rs.10,000/- + Rs.40,000/- + Rs.50,000/- + Rs.20,000/- + Rs.1,95,000/-). The rate of interest is reduced from 9% to 7.5% per annum on the compensation amount, as per decision of the Apex Court in **Rajesh v Rajbir Singh**¹. The claimant is entitled to withdraw the compensation amount soon after the deposit is made.

6. In view of the above, the appeal is allowed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 06.01.2020
kvrn

T.AMARNATH GOUD,J

¹ 2013 ACJ 1403