

THE HON'BLE SMT. JUSTICE P. SREE SUDHA

APPEAL SUIT No.2795 of 2001

JUDGMENT

Both the counsels present.

This Appeal Suit is filed against the judgment of the trial court in O.S.No.04 of 1994. The trial Court considering the evidence and arguments of both the sides granted damages to an extent of Rs. 60,000/- for loss of life of her husband with interest at 9 percent per annum from the date of suit till realization from 18.01.1990 and he was also permitted to withdraw the 1/4th of the decretal amount and 3/4th of the amount was directed to be deposited in National bank for six years and she was permitted to withdraw the interest.

2. Aggrieved by the said order APTRANSCO preferred an appeal and stated that age of the

deceased was wrongly mentioned and accordingly disputed the interest granted by the trial Court.

3. The counsel for the appellants stated that on the date of passing of the judgment, the interest in the nationalized banks was 4-5 percent but the trial Court granted an excess interest 9 percent and it is to be modified considering the pendency of the matter before this court for so many years.

4. Basing on the arguments of both the counsels, this court finds reasonable to confirm the order of the trial court regarding the damages amount Rs.60,000/- but to modify the interest at 6 percent from the date of order till the date of realization. With this modification, the appeal is partly allowed.

5. Pending miscellaneous applications, if any, shall stand closed.

6. The appellants are directed to deposit the balance amount within three months from the date of this order. On such deposit, the respondents are directed to withdraw the same.

P. SREE SUDHA, J

Date: 11.10.2022
PKR

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