

[3208]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

APPEAL SUIT NO: 3545 OF 2003

Appeal Under Section 96 of C.P.C., against the Judgment and Decree in O.S.No.142 of 1997, dated 01.08.2002 on the file of the Court of the Senior Civil Judge, Khammam.

Between:

1. The Asst. Engineer, Northern Power Distribution Co. of A.P. Ltd. (A.P.Transco), Vemsoor, Khammam District.
2. The Divisional Engineer, Northern Power Distribution Co. of A.P. Ltd. (A.P.Transco), Sathupally, Khammam District.
3. The Superintending Engineer, Northern Power Distribution Co. of A.P. Ltd. (A.P.Transco)
4. The Managing Director, A.P. Transco Vidyuth Soudha, Somajiguda, Hyderabad

...APPELLANTS/DEFENDANTS

AND

1. Yarapathireddy Veera Venkamma, W/o late Satyanarayana Reddy household R/o.Yerraguntapadu (V), Vemsoor (M), Khammam Dt.
2. Yarapathireddy Venkat Reddy, S/o late Satyanarayana Reddy Student R/o.Yerraguntapadu (V), Vemsoor (M), Khammam Dt.
3. Yarapathireddy Chenna Reddy, S/o late Satyanarayana Reddy Student R/o.Yerraguntapadu (V), Vemsoor (M), Khammam Dt.

...RESPONDENTS/PLAINTIFFS

I.A. NO: 2 OF 2003(CMP. NO: 24918 OF 2003)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of the Decree and Judgment, dt.1-8-2002 in O.S.No.142/97 on the file of the Court of Senior Civil Judge, Khammam.

Counsel for the Appellants: SRI. ZAKIR ALI DANISH (SC FOR TSNPDCL)

Counsel for the Respondents: SRI KOWTURU PAVAN KUMAR

The Court made the following: ORDER

HONOURABLE SMT JUSTICE P. SREE SUDHA

APPEAL SUIT No. 3545 OF 2003

ORDER:

This Appeal Suit is filed against the judgment in O.S.No.142 of 1997 dated 01.08.2002 passed by the Court of the Senior Civil Judge at Khammam.

2. The suit is filed for recovery of a sum of Rs. 3,00,000/- with interest at the rate of 12% per annum from the date of accident till the date of realisation with costs.

3. The trial Court considering the arguments and evidence of both sides, decreed the suit with costs and directed the defendants 1-4 to pay compensation of Rs.3,00,000/- with interest at the rate of 12% from 08.08.1996 till the date of realisation.

4. Aggrieved by the said order, the A.P Transco preferred this appeal and mainly contended that the rate of interest granted by the Trial Court is high and no reasons were assigned for granting interest at the rate of 12%, as the order was passed in the year 2002 and the rate of interest at that time was very low but not 12%.

5. Considering the argument of the learned counsel for the appellants, this Court find that it is just and reasonable to modify the interest rate awarded by the Court below from 12% to 6% from the date of 08.08.1996 till the date of realisation. The trial Court has rightly awarded the compensation of Rs.3,00,000/- and it needs no inference by this Court.

6. The appellant is directed to deposit the amount within three (3) months from today. On such deposit the respondents are directed to withdraw the same as per the apportionment made by the Court below.

7. Accordingly, the appeal is partly allowed.

8. Miscellaneous applications, if any pending, shall stand closed.

SD/- K. SRINIVASA RAO
JOINT REGISTRAR

GP

SECTION OFFICER

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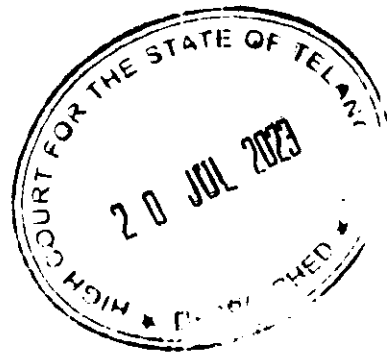
1. The Senior Civil Judge Court, Khammam.
2. One CC to Sri Zakir Ali Danish, SC FOR TSNPDCCL [OPUC]
3. One CC to Sri Kowturu Pavan Kumar, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:21/10/2022

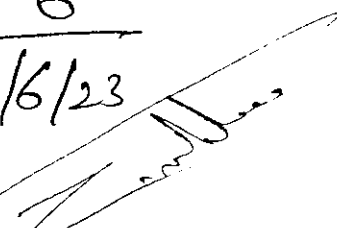
ORDER



A.S.No.3545 of 2003

PARTLY ALLOWING THE A.S.

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A handwritten signature in black ink, written over the date and initials.

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY FIRST DAY OF OCTOBER
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APPEAL SUIT NO: 3545 OF 2003

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...RESPONDENTS/PLAINTIFFS

Appeal Under Section 96 of C.P.C., against the Judgment and Decree in O.S.No.142 of 1997, dated 01.08.2002 on the file of the Court of the Senior Civil Judge, Khammam.

ORDER: This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Lower Court and the material papers in the suit and upon hearing the arguments of Sri Zakir Ali Danish, SC FOR TSNPDCL for the Appellants and of Sri Kowturu Pavan Kumar, Advocate for the Respondents.

This Court doth Order and Decree as follows:

1. That the ~~Motor~~ Accident Civil Miscellaneous Appeal be and hereby is allowed.
2. That this Court find that it is just and reasonable to modify the interest rate awarded by the Court below from 12% to 6% from the date of 08.08.1996 till the date of realisation. The trial Court has rightly awarded the compensation

of Rs.3,00,000/- and it needs no inference by this Court. The appellant is directed to deposit the amount within three (3) months from today. On such deposit the respondents are directed to withdraw the same as per the apportionment made by the Court below.

3. That there be no order as to costs in this appeal.

SD/- K. SRINIVASA RAO
JOINT REGISTRAR



SECTION OFFICER

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To,
1 The Senior Civil Judge Court, Khammam.
2 Two CD Copies

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HIGH COURT

DATED:21/10/2022

DECREE

A.S.No.3545 of 2003

PARTLY ALLOWING THE A.S.

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