

Jawaharlal Nehru Port Trust	)	
at Sheva, Nhava-Sheva,	)	
Taluka Uran, District Raigad,	)	...Appellant/
(Owner of the Crane No.RTGO-3)	)	(Orig. Opponent)

Deepak Rangappa Hingmire,)
age 33 years, Occupation : Business,)
residing at Uran Kotnaka, Taluka) ...Respondent/
Uran, District Raigad.) (Orig. Applicant)

None for the Respondent.

DATE : 14th MARCH 2023.

1. Heard learned counsel for the appellant.

2. The issue involved in this appeal are liability of paying compensation and rate of interest awarded by the Tribunal is on higher side.

3. It is contention of learned counsel for the appellant that the offending jeep was standing in the premises of the appellant where construction work was going on. On the day of incident, while construction was going on, some part of crane repair fell on the offending jeep and the jeep was damaged. The owner of the jeep filed claim petition for getting damages, the said application is allowed by the Tribunal without considering the fact that the said jeep was standing in the premises of the appellant and the jeep was insured with the insurance company. The damages should have been taken from insurance company. The appellant is not liable to pay any damages. Learned counsel further submits that interest rate at 12% per annum awarded by the Tribunal is on higher side. Hence, requested to allow the appeal.

4. Though respondents are served, none present for the respondents. The appeal is of the year 2001, hence, I am deciding this appeal on merit.

5. I have heard learned counsel for the appellant, perused the judgment and order passed by Motor Accident Claims Tribunal (for short "the Tribunal"). While allowing the claim petition, the Tribunal has observed that the appellant-trust had a contract with Mr. P. J. Patil and Mr. Patil had hired that jeep for carrying crane technicians and the said fact remains undisputed as the crane belonged to the appellant-trust, and on that basis, the Tribunal has held that the liability of paying compensation arises on appellant. I do not find any infirmity in it. In my view, the part of crane which fell on jeep was belonging to the appellant, hence, appellant is liable to pay damages, as there was no negligence of jeep driver, the order passed by the tribunal is proper. Moreover, the Tribunal has awarded compensation of Rs.87,821/- which is meagre amount.

6. In respect of submission of learned counsel for the appellant that rate of interest at 12% per annum awarded by the Tribunal is on higher side is concerned, in my view, the claim filed by the claimant was for damages and it was not death claim or injury claim, there is no loss of life, hence, the rate of interest is on higher side. I am considering 9% interest per annum instead of 12% per annum.

7. In view of above, I pass following order :

O R D E R

1. The appeal is partly allowed. No order as to cost.
 2. The claimant is permitted to withdraw the deposited amount along with accrued interest thereon at the rate of 9% per annum.
 3. Statutory amount be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.
8. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)