

(2001) 11 AHC CK 0014
In the Allahabad High Court

Branch Manager, Oriental Insurance Co. Ltd.

APPELLANT

Vs

Smt. Usha and Others

RESPONDENT

Date of Decision : 05-11-2001

Acts Referred:

Citation : (2002) 3 ACC 575

Hon'ble Judges : V.M. Sahai, J;Sudhir Narain, J

Bench : Division Bench

Judgement

Suhir Narain, J.—This appeal is directed against the award of the Motor Accident Claims Tribunal, Etawah dated 2.8.2001 awarding a compensation of Rs. 2,21,400/- as compensation to the claimant-respondents.

2. The claim petition was filed with the allegation that Shyam Singh, the husband of the respondent No. 1 was travelling by the DCM Canter No. UP-75 A/9534 which was allegedly being driven rashly and negligently and dashed against a stationary Truck No. DL-1 G/3934 from behind resulting in his death. It was further alleged that the deceased was 38 years old and was earning Rs. 1,500/- per month by working as Conductor on the vehicle DCM Canter. The claimants claimed the compensation of Rs. 6,75,000/-.

3. The claim petition was contested by the appellant on several grounds. It was alleged that the driver of the bus had not valid licence. The Tribunal recorded a finding that the driver had a valid licence and after considering the materials on record came to the conclusion that the claimants were entitled to a sum of Rs. 2,21,400/- as compensation.

4. We have heard Mr. Vivek Kumar Birla, learned Counsel for the appellant.

5. The learned Counsel for the appellant has assailed the findings recorded by the Tribunal. It is alleged that the driver of the vehicle in question had no valid licence. The Tribunal has recorded a finding that the driver had a valid licence. We do not find that the findings suffer from any legal infirmity.

6. The second submission of the learned Counsel for the appellant that the Tribunal has awarded simple interest at 12% but it should be 9%. He has placed reliance from the decision in Smt. Kaushnuma Begum and Others Vs. The New India Assurance Co. Ltd. and Others, wherein it was held that the interest should be awarded at 9%. In this case the claim petition was filed in the year 1998. The husband of the respondent No. 1 died in the accident on 4.4.1998, the respondent has not paid the compensation.

7. On the facts and circumstances of the case, we find that the simple interest awarded at 12% p.a. is not excessive.

8. The appeal is accordingly dismissed.

9. Rs. 25,000/- deposited by the appellant in this Court, shall be remitted by the Registry of this Court to the Motor Accident Claims Tribunal concerned for payment/adjustment of the amount payable by the appellant to the claimant-respondents.