

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 151 of 2002

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.H.KADRI

- =====
1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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LABHUBEN GANPATBHAI ALIAS- GANESHBHAI PATEL

Versus

SAMIR ROADWAYS

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Appearance:

MR DN TRIVEDI for Appellants

MR AJAY R MEHTA for Respondent No. 2

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CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE M.H.KADRI

Date of decision: 27/02/2002

ORAL JUDGEMENT

1. Heard the learned counsel for the appellants-original claimants and learned counsel for the respondent no.2 Insurance Company. Appeal admitted. Mr. Ajay Mehta appears for respondent no.2 and waives service of notice in the appeal.

2. On a joint request of learned counsel, this appeal is taken up for hearing today.

3. This is an appeal under section 173 of the Motor Vehicles Act, 1988, at the instance of the original claimants, challenging the judgement and award passed by the Motor Accident Claims Tribunal, Ahmedabad, in Motor Accident Claim Petition No.1546/98.

4. The Tribunal has, after appreciating the entire evidentiary material on record, determined the aggregate compensation payable to the claimants in the sum of Rs.5,99,000/- with interest at the rate of 15% per annum from the date of filing of the petition till realisation, with a discount clause to the effect that if the amount is deposited within two months (excluding the period consumed in obtaining the certified copy), the interest shall be calculated at the rate of 12% per annum.

5. This appeal has been filed by the original claimants for enhancement of the compensation awarded.

6. We have carefully perused the impugned judgement and award and have heard the learned counsel for the respective parties in this regard. We have also perused the evidentiary material on record to which our attention has been drawn. As a result of this exercise, and as a result of the hearing and discussion, learned counsel for the respective parties agree and state that the Court may determine the aggregate amount of compensation payable to the claimants in consonance with the evidentiary material on record without the necessity of giving reasons.

7. Accordingly we have applied our mind to the facts of the case in the light of the aforesaid statement, and consequently we hold and direct that the applicant shall be entitled to compensation in the aggregate sum of Rs.6,85,000/-. However, the interest as directed by the Tribunal also requires to be modified. In consonance with the usual practice followed by this court, it is directed that the amount awarded in favour of the appellants-claimants shall bear interest at the rate of 12% per annum from the date of the claim petition upto

31st December 1999 and at the rate of 9% thereafter.

8. This appeal is, therefore, partly allowed with no order as to costs. Decree accordingly.

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