

(1991) 08 DEL CK 0053

In the Delhi High Court

Ankur Batra and Others

APPELLANT

Vs

Surinder Singh and Others

RESPONDENT

Date of Decision : 08-08-1991

Acts Referred:

Citation : (1991) 2 ACC 669

Hon'ble Judges : S. Duggal, J

Bench : Single Bench

Judgement

Santosh Duggal, J.—This appeal was admitted only on the point of interest. It is on board since 5th August. 1991 and Mr. P.K. Seth. Advocate through whom this appeal was filed, has not appeared.

2. I have gone through the impugned award and heard Mr. V.P. Chaudhary, counsel for respondent No. 3.1 find that on the awarded amount of Rs. 2,30,400/- the Tribunal has allowed interest @ 9% p.a. from the date of the institution of the petition. Mr. Chaudhry states that the claim petition was instituted on 20th December, 1984 whereas the award was given on 29th March, 1990, which means that interest has been allowed for a period of five years, and about four months, during which the petition was pending, even without going into the question, as to whether the petition could not be disposed of earlier in spite of due diligence by the petitioners. This question though is not before the Court because the respondents have not filed any appeal or co-objections either on merits or on the point of interest. Considering the facts and circumstances of this case, and nothing having been shown to the contrary, I am satisfied that interest awarded by the Tribunal in this case, viz. at the rate of 9% p.a., was adequate, and no further interference is called for. The costs of the petition have also been awarded at Rs. 1500/-.

3. Mr. Chaudhry states that the interest would be payable on the amount of compensation minus Rs. 15,000/- that was paid under the interim award, and that interest would be calculated on the balance amount of Rs. 1,15,400/-. This point needs clarification because it is to be assumed that there would have been

some time gap between the filing of the claim petition and the order of interim award or the payment there under. Strictly speaking interest would be payable on the amount awarded by the Tribunal, at the rate of 9% p.a. on the total amount of compensation, namely, Rs. 2,30,400/- from the date of the petition till Rs. 15,000/- was paid and thereafter at the same rate on the balance amount, namely, Rs. 2,15,400/-.

4. If any amount remains payable under the Award or becomes due as a result of clarification given above, the same be deposited with the Tribunal in the name of the widow of the deceased, namely, Smr. Shanno Batra, within 8 weeks from today with the direction that the Tribunal shall thereafter disburse the same to Smt. Shanno Batra straightaway without any further security, after notice to her.

5. A copy of this order be sent to the Motor Accident Claims Tribunal.

With this clarification, the appeal is otherwise dismissed. No order as to costs.