

(1999) 10 SC CK 0100
In the Supreme Court Of India
Case No : Civil Appeal No. 5668 Of 19991

Devi Dayal Kansal and Others

APPELLANT

Vs

Raj Roop and Another

RESPONDENT

Date of Decision : 01-10-1999

Acts Referred:

Citation : (2000) 10 SCC 304

Hon'ble Judges : S. B. Majmudar, J;D. P. Mohapatra, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

S.B.Majmudar, J., D.P.Mohapatra, J.-Leave granted.

2. We have heard learned counsel for the parties finally in this appeal.

3. The short question is whether the appellants-claimants who are dependants of the deceased who died on account of motor accident, should be awarded interest on the enhanced amount granted by the High Court. The learned counsel for the respondent No. 2 who is the only contesting respondent submitted that it was a discretionary order. We cannot agree to that submission. Respondent No. 1 who is the driver has not thought it fit to contest the proceedings and has remained served. In our view, once the High Court has thought it fit to enhance in appeal compensation payable to the dependants of the deceased, in fairness, interest should have been granted on the enhanced compensation unless there was any cogent reason for denying them the benefit which does not exist in the facts of the present case and the High Court has also not noted the same. Only on this short ground, the appeal is allowed to the limited extent that enhanced compensation granted by the High Court will bear interest at the rate of 12 per cent per annum from the date of claim petition till realisation. Respondent No. 2 shall comply with this order at the earliest. No costs. Appeal allowed.