
(2003) 09 DEL CK 0037
In the Delhi High Court
Case No : FAO No. 20 of 2001

Inder Veer Jain

APPELLANT

Vs

Ramesh Chand Garg and Others

RESPONDENT

Date of Decision : 18-09-2003

Acts Referred:

Citation : (2004) 1 ACC 644 : (2003) 7 AD 274 : (2003) 71 DRJ 607

Hon'ble Judges : S.K. Mahajan, J

Bench : Single Bench

Advocate : J.S. Kanwar, for the Appellant; Mohan Babu, for the Respondent

Judgement

S.K. Mahajan, J.—ADMIT.

2. Since a short question is involved in the appeal, the same has been heard and disposed of by this order.

3. The appellant has filed this appeal for enhancement of compensation awarded by the Tribunal for the injuries sustained by him in a road accident caused by the rash and negligent driving of the offending vehicle. The contention of learned counsel for the appellant is that despite there being 49% disability, the Tribunal has not awarded any compensation for such disability and the Tribunal has also erred in not awarding interest on the awarded amount from 30.11.1994 to 10.1.2000.

4. A perusal of the award shows that the Tribunal has taken into consideration the disability suffered by the appellant and has held that for such disability the appellant is entitled to be compensated and the Tribunal has awarded Rs.30,000/- on account of such disability. The Tribunal has also awarded a sum of Rs.7500/- in favor of the appellant towards mental pain, shock and agony. The compensation having been awarded for the disability suffered by the appellant, he is not entitled to any further compensation on this account.

5. Insofar as the award of interest from 30.11.1994 to 10.1.2000 is concerned,

the Tribunal has held that after the issues were framed on 15.3.1989, the appellant took many opportunities to produce its evidence as such the appellant will not be entitled to interest for the aforesaid period. A perusal of the Trial Court file shows that delay in the trial of the case was not entirely on account of the appellant. Despite the respondents having been served and having already filed written statement, the Tribunal directed respondents 1 to 3 to be served again. This unnecessarily caused delay of more than two years in the disposal of the case. The appellant has been pursuing the case diligently and the delay cannot be entirely attributed to him. In my view, the Tribunal has erroneously not awarded interest on compensation for the aforesaid period.

6. For the foregoing reasons, I set aside that part of the award where interest has not been awarded for the period 30.11.1994 to 10.01.2000 and direct that the appellant will be entitled to interest on the amount of compensation awarded by the Tribunal from the date of filing of the petition before the Tribunal till realisation. With these observations, the appeal stands disposed of.