
(1989) 08 DEL CK 0017
In the Delhi High Court
Case No : First Appeal No. 82 of 1989

Kanhiya Lal

APPELLANT

Vs

State of Haryana etc.

RESPONDENT

Date of Decision : 04-08-1989

Acts Referred:

Citation : (1989) ILR Delhi 320 : (1989) RLR 420

Hon'ble Judges : M. Sharief-ud-din, J

Bench : Single Bench

Advocate : O.P. Goyal and Mona Mehta, for the Appellant;

Judgement

Malik, J.

(1) The appellants filed this appeal making a grievance against the award of the Motor Accident Claims Tribunal dated 18th of July 1988 by which the appellants were allowed compensation to the tune of Rs. 45,0001- for the death of their son aged about 18 years who died in a motor accident on 7th of May, 1983. The court on 20th of April 1989 directed a notice to be sent to the other party to show cause why the appeal shall not be admitted limited to the, question of interest. I have heard the learned counsel for the parties today as the appeal was admitted restricted to the question of interest on 10th of August 1989.

(2) The counsel for the respondents has urged that the delay was caused due to the laches on the part of the appellants and that a specific mention of this fact has been made by the Tribunal in para 28 of its order. Indeed; the Tribunal has made an observation that since the delay was caused due to the laches on the part of the appellants they could not be allowed any interest.

(3) Grant of interest in such cases is discretionary but like every other discretion it has to be exercised judicially on the facts and circumstances of each case. In my view, even if it is assumed that there was delay on the part of the appellants in expediting the proceedings the facts and circumstances of this case do warrant the exercise of discretion in favor of the appellants. The deceased was a young

boy of 18 years when he met with the accident, he was a conductor and would have in normal .course improved his chances in life had he not been involved in .this accident. The compensation was awarded in the year 1988 and it was mainly because of the resistance offered by the respondent. Rs. 15,0001- were paid at the earliest possible stage as no fault liability and the payment of Rs. 30,000"- was deferred till the final conclusion of the claim. The purchasing power of the money when it was paid has been considerably reduced. If the amount were paid within a year of the accident there would be no ground for granting of any interest. In that view of the matter. I am of the opinion that this is a fit case where the appellants must be allowed interest at the rate of 9 per cent per annum on Rs. 30,000]- from the date of claim till the date of final payment. I order accordingly, and the appeal is allowed to this limited extent.