

**(1989) 08 DEL CK 0008**  
**In the Delhi High Court**  
**Case No : First Appeal No. 159 of 1989**

Kanta and Others

APPELLANT

Vs

Jaswant Singh and Others

RESPONDENT

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**Date of Decision :** 14-08-1989

**Acts Referred:**

**Citation :** (1989) 2 ACC 555 : (1990) ACJ 327 : (1989) ILR Delhi 322

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

**Bench :** Single Bench

**Advocate :** O.P. Goyal, Y.D. Nagar and B.R. Sabharwal, for the Appellant;

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## Judgement

Malik, J.

(1) (ORAL).-ADMITTED.

(2) By a speaking order dated 7th of July 1989, this court for the reasons given in that order, issued notice to the other side restricted to the question of payment of interest. Arguments were advanced today in this regard. The Tribunal awarded a sum of Rs. 1,20,0001- as compensation, to the appellants. This was done after accepting the evidence of the appellant regarding the income of the deceased. The Tribunal held that the income of the deceased was Rs. 742.60 per month and the dependency was held to be at Rs. 500.00 per month. The deceased was about 30 years of age at the time of the death and keeping that fact in view a multiplier of 20 was applied and the awarded figure was arrived at Rs. 1,20,0001-. The Tribunal d:d not allow interest on the facts and circumstances of this case. Mr. Goyal, learned counsel for the appellants, has today invited my attention to Smt. Chameli Wati and Another Vs. Municipal Corporation of Delhi and Others, , a judgment of the Supreme Court. Mr. Goyal's reading is that this judgment lays a law of universal application that interest must be allowed in all cases come what may. I do not read the judgment in the manner in which Mr. Goyal reads it. All that the Supreme Court has said is that the grant of interest is a discretion vested in the court and according to the well

settled principles this discretion must be exercised judicially on the basis of the facts and circumstances of a particular case. In the present case, it is admitted that the delay caused in the disposal of the claim was due to the claimants. Keeping in view the peculiar circumstances of the case and also keeping in view the fact that the appellant has been allowed a handsome amount , of compensation which, in my view completely meet-, the ends of justice, it would be wrong we of discretion to allow interest in such a case. Dismissed.