(2012) 01 DEL CK 0583

In the Delhi High Court

Case No : FAO 252 of 2000

M.L. Jain — APPELLANT

Vs

Darshan Singh and Others — RESPONDENT

Date of Decision : 24-01-2012

Acts Referred:

Motor Vehicles Act, 1988 — Section 95(2)

Citation : (2012) 01 DEL CK 0583

Hon'ble Judges : G.P. Mittal, J

Bench : Single Bench

Advocate : Navneet Goyal, for the Appellant; Kanwal Chaudhary, Advocate for R-3, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—The Appellant impugns the judgment dated 22.02.2000 awarding compensation in respect of the damage to his car bearing registration number UTD-3302 in an accident which took place on 06.07.1985.

2. In the Claim Petition filed before the Claims Tribunal, the Appellant claimed a sum of Rs. 32,431/- towards the damage caused to the earlier stated car.

3. While discussing issue No. 4, the Claims Tribunal opined that in respect of the damage to the car in the accident above stated, the damage was only to the extent of Rs. 13,600/-. Rest of the items did not pertain to the accident. The Claims Tribunal while allowing the Petition for an amount of Rs. 13,600/- with interest @ 10% per annum from the date of filing of the Petition restricted the liability of the Insurance Company to the extent of Rs. 6,000/- only. On this aspect, the Tribunal held that as per Section 95(2)(b) of the Motor Vehicles Act, the damage in respect of the third party property was limited to Rs. 6,000/- only.

4. In a contract of Insurance, the parties could increase the limit of liability by paying additional premium. In this case, the policy Ex.DW-1 was proved before the Tribunal which shows that an extra premium of Rs. 100/- was paid for extra

TPL. It is also recorded on the policy that "the Insurance Company''s liability u/s II-I (ii) in respect of any one claim or series of claims arising out of one event Rs. 50,000/-."

5. Learned counsel for the Respondent New India Assurance Company Limited admits that the additional premium was paid and thus the liability was upto Rs. 50,000/-.

6. No other point is raised on behalf of the Appellant.

7. It is urged by the learned counsel for the Appellant that he should be awarded higher rate of interest as the Insurance Company shirked its liability to pay the amount in spite of its liability. In the circumstances of the case, I would not interfere with the award of interest @ 10% per annum granted by the Tribunal.

8. The balance amount of Rs. 7,600/- along with interest @ 10% per annum from the date of filing of the petition till the date of payment be deposited with the Registrar General of this Court within 30 days. The amount so deposited shall be released to the Appellant forthwith.

9. The Appeal is allowed in above terms. No costs.