
(1987) 07 DEL CK 0035
In the Delhi High Court
Case No : F.A.O. No. 39 of 1987

Mohd. Yunus

APPELLANT

Vs

V.K. Nayyar and Others

RESPONDENT

Date of Decision : 30-07-1987

Acts Referred:

Motor Vehicles Act, 1988 — Section 110CC

Citation : (1987) ACJ 771

Hon'ble Judges : S.B. Wad, J

Bench : Single Bench

Advocate : Sushma Sachdeva, for the Appellant; Vishnu Mehra, for the Respondent

Final Decision : Dismissed

Judgement

S.B. Wad, J.—With the addition of Section 110-CC in the Motor Vehicles Act, the Tribunal and this Court have been granting interest to the claimants from the date of the application. The granting of interest is, of course, the matter of discretion of the court considering all facts of the case. The Tribunal in this case has observed in its order that the claimants themselves were responsible for long delay in leading evidence. I, therefore, summoned the original record. I have gone through the original record. The claim petition was filed on 8.7.1974. The issues were framed on 27.8.1976 and the first date for the Petitioner's evidence was 30.11.1976. Thereafter, story of the Petitioner not taking any interest in the matter and also not summoning the witnesses in time starts. The first witness was examined by him in 1977. His own wife as a witness was examined on 25.9.1980 and the Petitioner as his own last witness was examined on 7.11.1984. This is not a normal case where the claimants being in humble economic strata of the society are deprived of the compensation. Having examined the record I am satisfied that the Tribunal was quite right in not granting any interest. The appeal is dismissed. The insurance company should not be saddled with higher interest for negligence of the claimants.