

(2001) 02 DEL CK 0076
In the Delhi High Court
Case No : L. P. A. 115 of 1989

Ms. Kanta and Others

APPELLANT

Vs

Shri Jaswant Singh and Others

RESPONDENT

Date of Decision : 15-02-2001

Acts Referred:

Citation : (2002) 1 ACC 605 : (2001) 2 ACC 528 : (2002) ACJ 605 : (2001) 4 AD 184 : AIR 2001 Delhi 372 : (2001) 92 DLT 366

Hon'ble Judges : M.S.A. Siddiqui, J;B.A. Khan, J

Bench : Division Bench

Advocate : Mr. O.P. Goyal, for the Appellant;

Judgement

Khan, (J.

1. One Chander Bhan, 24, a private employee was killed in a road accident on 25.10.1979. His LRs filed claim suit no. 567/1979 and claimed compensation of Rs.2 lacs. But MACT worked out his dependency at Rs.500/- and applied a multiplier of 20 to it to award compensation of Rs.1.20 lacs by award dated 12.12.1988.

2. Appellants felt dissatisfied and filed FAO 159/1989 for enhancement of compensation which was dismissed by First Appellate Court vide order dated 14.8.1989. They have now filed this LPA for higher compensation. L/C for appellant, Mr. Goyal, had nothing new to say to warrant any further enhancement. His limiting grievance was that both Tribunal and First Appellate Court had failed to award any interest on the compensation amount. We find that First Appellate Court had declined to award interest by attributing delay for disposal of claim suit to claimants without any worthwhile basis and taking a technical view of the matter. It is true that interest was not claimable as of right, but where claimants are deprived of prompt relief due to various factors including protracted court process, it ought to be granted to make up for the time loss. On this parity of reasoning it would be proper to award 9% interest in the present

case from the date of award (12.12.1988) to that of payment of enhanced compensation. Respondent-Insurance company to work out the additional amount payable on this count to be paid to appellants within four months from receipt of this order.