

(2002) 02 RAJ CK 0110

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 1530 of 2000

Mst. Ananchi and Others

APPELLANT

Vs

Ram Chandra and Others

RESPONDENT

Date of Decision : 07-02-2002

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2004) ACJ 213 : AIR 2003 Raj 50 : (2002) 3 RLW 1808 : (2002) 3 WLC 121 : (2003) 2 WLN 595

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Advocate : Anoop Dhand, for the Appellant; Alok Sharma and T.P. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Misra, J.—The appellants-herein are the claimants who have been awarded a sum of Rs. 1,70,000/- (Rs. One lac seventy thousand) on account of death of the husband of respondent No. I Ananchi in a motor accident. While the matter was pending before the Motor Accident Claims Tribunal at Sikar Lok Adalat was held on 6.5.99 and the appellants and the Insurance Company entered into a compromise by which an amount of Rs. 1,70,000/- (Rs. One Lac seventy thousand) was accepted by the appellants as a reasonable amount towards compensation.

2. One would have thought that the matter finally came to an end in regard to this claim-case but it appears that the appellants-claimants gave a second thought regarding the amount of compensation and preferred to file an appeal before this court in the year 2000, curiously after more than a year since the appellants appear to have given a second thought about the amount of compensation. Hence an appeal against the aforesaid award which had been arrived after a compromise was filed, raising a ground that the interest on the said amount has not been awarded to them. The action of the appellants in filing

the appeal in my opinion is clearly beyond their legal entitlement for once they have compromised the dispute before the Lok Adalat without any undue influence and pressure, it is not open for them to challenge it by way of filing an appeal after more than a period of one year.

3. The counsel for the appellant Mr. Anoop Dhand however, sought to draw a distinction between the main award and the ground of interest which has been claimed by the appellants. But even he had to agree to the extent that once the amount of compensation has been determined in the Lok Adalat, the appeal against it would not be maintainable for claimants are expected to enter into a compromise after full deliberation on its consequences and is expected to look into its implications and ramifications before leaping into it. However, the counsel of the appellant contended that the amount of interest was open to challenge by way of an appeal, as the question of interest on the award was not compromised. This argument, in my view, is absolutely devoid of substance as the award of compensation alongwith interest is a compensate award and it is difficult to accept the argument that even though the amount of compensation was compromised in Lok Adalat, the interest on the said amount was open to challenge by way of an appeal for it cannot be held that the claim of interest on the amount of compensation was an independent cause of action for the claimant to challenge it by way of a separate appeal. The amount of compensation determined and the interest claimed which culminates into an award is obviously a part and parcel of the same claim and cause of action and once the principal amount of compensation is accepted by way of a compromise before Lok Adalat, the question of interest cannot be allowed to be reopened by way of an appeal for the claimant was legally bound to raise it in the same proceeding before the Lok Adalat. That having not been done, it cannot be allowed to be challenged by way of an independent appeal and that too at such a belated stage after more than a period of one and a half year. This is clearly an after thought on the part of the appellants which cannot be permitted to be raised. The appeal thus has no merit and hence it stands dismissed.