

(2017) 12 DEL CK 0173

In the Delhi High Court

Case No : MAC. Appeal No. 1195 Of 2012

New India Assurance Company Ltd

APPELLANT

Vs

Avik Sadana & Ors

RESPONDENT

Date of Decision : 06-12-2017

Acts Referred:

Citation : (2017) 12 DEL CK 0173

Hon'ble Judges : R.K.Gauba, J

Bench : Single Bench

Advocate : Pankaj Seth

Final Decision : Disposed Of

Judgement

R.K.Gauba, J

1. On the accident claim case (MACT no.1222/2010), instituted by the first respondent (claimant) on 30.11.2010, the Motor Accident Claims Tribunal

(Tribunal) awarded compensation in his favour for injuries sustained and permanent disability suffered, due to a motor vehicular accident that had

taken place on 02.02.2010, due to negligent driving of the vehicle insured with the appellant (insurer), fastening the liability upon it to pay with interest

at the rate of 12% p.a.

2. The appeal is pressed to take exception to the rate of interest levied by the tribunal.

3. Indeed, no special reasons have been set out for levy of such rate of interest. It is unduly high. Following the consistent view taken by this Court,

the rate of interest is reduced to 9% per annum (nine percent) from the date of filing of the petition till realization. [see judgment dated 22.02.2016 in

MAC.APP. 165/2011 Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.]

4. The award is modified accordingly.
5. In terms of order dated 29.11.2012, the insurance company had been directed to deposit 50% of the awarded amount with up-to-date proportionate interest and from out of such deposit and some amount was directed to be released to the claimant. The balance with accrued interest shall be released to the claimant. The insurance company will be obliged to deposit the balance of its liability, under the modified award, by requisite deposit with the tribunal, within 30 days, making it available to be released to the claimant.
6. The statutory deposit of the insurance company shall be refunded, after proof of the award having been satisfied, is furnished.
7. The appeal is disposed of accordingly.