

**(2002) 12 JH CK 0019**  
**In the Jharkhand High Court**

New India Assurance Company Ltd.

APPELLANT

Vs

Malti Devi and Others

RESPONDENT

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**Date of Decision :** 02-12-2002

**Acts Referred:**

**Citation :** (2004) 1 ACC 650

**Hon'ble Judges :** Gurusharan Sharma, J; Amareshwar Sahay, J

**Bench :** Division Bench

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### Judgement

1. New India Assurance Company Ltd. has challenged the award dated 30th August, 1993, passed by the Motor Vehicles Claim Tribunal, Ranchi, in Compensation Case No. 77 of 1990, whereby a sum of Rupees one lakh was assessed as compensation amount payable under the Motor Vehicles Act, 1988 (hereinafter to be referred to as "the Act") to the claimant with interest @ 12% per annum from the date of filing of the claim application till payment.

2. In a motor accident, on 9.2.1990, near Murma Bridge within Mandak Police Station of Ranchi District, Hari Shankar Singh, husband of the respondent No. 1 lost his life. He was an agriculturist.

3. It was established that there was head-on-collision between two vehicles, namely, the Trekker (BR-14L-4749) and the Truck (BHV 6621) on account of rash and negligent driving of both the vehicles. At the time of accident both the vehicles were insured with the New India Assurance Company Ltd.

4. We find no illegality committed by the Tribunal in assessing the aforesaid amount after taking into consideration the materials brought on record by the parties. We, therefore, confirm the aforesaid amount of compensation payable to the claimant.

5. So far as grant of interest by the Tribunal @ 12% per annum from the date of the filing of the claim application till realisation is concerned, applying the ratio of a recent decision of the Apex Court in Smt. Kaushnuma Begum v. New India Assurance Co. Limited 1 (2001) ACC 151 (SC) : 2001 (1) JLJR 322 (SC), we

reduce the ratio of interest from 12% to 9% per annum and modify the impugned award accordingly.

6. This appeal is disposed of with aforesaid modification in the impugned order and award. No Cost.