
(2009) 12 DEL CK 0196
In the Delhi High Court
Case No : MAC. APP. No. 391 of 2009

Sachdev Sons

APPELLANT

Vs

Sh. Daljit Singh and Others

RESPONDENT

Date of Decision : 14-12-2009

Acts Referred:

Citation : (2009) 12 DEL CK 0196

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : Rajat Sharma, for the Appellant; D.S. Rajput, for the Respondent

Final Decision : Allowed

Judgement

J.R. Midha, J.—The appellant has challenged the award of the learned Tribunal whereby compensation of Rs. 85,000/- has been awarded to claimants/respondents No. 1 to 4 against the appellant.

2. The appellant is the owner of the offending vehicle which resulted in the death of Late Prem Singh Bedi in a road accident dated 26th September, 1991.

3. The only ground urged by learned Counsel for the appellant at the time of hearing of this appeal is that the rate of interest be reduced from 9% per annum to 6.5% per annum on the ground that claimants/respondents No. 1 to 4 took 16 years to complete the proceedings before the learned Tribunal.

4. The learned Counsel for the appellant further points out that two claim petitions were filed before the learned Claim Tribunal and ultimately one case was dismissed in default whereas this case remained pending for a period of 16 years.

5. The learned Counsel for claimants/respondents No. 1 to 4 submit that the rate of interest be maintained at 9% per annum as the appellant was initially ex-parte and he appeared after a period of 12 years.

6. If the appellant was ex-parte before the learned Tribunal for 12 years, there is no justification for claimants/respondents No. 1 to 4 to have not completed the proceedings before the learned Tribunal and, therefore, the delay is attributable to claimants/respondents No. 1 to 4.

7. In the facts and circumstances of this case, interest @ 6.5% per annum is just, fair and reasonable.

8. The appeal is allowed and the rate of interest is reduced to 6.5% per annum from the date of filing of the petition till the date of payment.

9. The appellant has deposited a sum of Rs. 1,48,400/- with the Registrar General of this Court in terms of the order dated 17th August, 2009. After adjusting the statutory amount of Rs. 25,000/-, a further sum of Rs. 11,050/- is payable by the appellant. The appellant has handed over a pay order No. 346328 dated 9th December, 2009 for Rs. 11,050/- drawn in the name of Registrar General, Delhi High Court. The original pay order is handed over by learned Counsel for the appellant to the Court Master who shall send the same to the Accounts Department for encashment.

10. The total amount with the Registrar General after encashment of this pay order would be Rs. 1,84,450/- (Rs. 1,48,400/- deposited by the appellant on 6th October, 2009 + Rs. 25,000/- deposited by the appellant along with this appeal + Rs. 11,050/- tendered today).

11. The Registrar General is directed to release the entire amount of Rs. 1,84,450/- to respondents No. 1 to 4. Respondents No. 1 to 4 shall have equal shares in the aforesaid amount and, therefore, the Registry shall release 25% amount to each of the four respondents.