

(2012) 03 DEL CK 0099
In the Delhi High Court
Case No : MAC. APP. 962 of 2011

Shriram General Insurance Co. Ltd.

APPELLANT

Vs

Lala Ram and Others

RESPONDENT

Date of Decision : 02-03-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 12 Rule 6
Motor Vehicles Act, 1988 — Section 140, 166

Citation : (2012) 03 DEL CK 0099

Hon'ble Judges : G.P. Mittal, J

Bench : Single Bench

Advocate : Pankaj Seth, for the Appellant; J.P.N. Shahi, for R-1, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—A Claim Petition u/s 166 of the Motor Vehicles Act (the Act) and Section 140 of the Act was preferred by the Respondents No. 1 to 5 before the Motor Accident Claims Tribunal, (the Claims Tribunal) claiming compensation for the death of Smt. Sheela wife of the first Respondent and mother of Respondents No. 2 to 5.

2. A revised offer of Rs. 4,52,000/- was given by the Appellant Insurance Company which is available on page 15 of the Trial Court Record which was not accepted by the Respondents No. 1 to 5.

3. The Claims Tribunal without any basis proceeded to pass an interim award of Rs. 4,40,000/-. As per Section 140 of the Act an interim compensation of Rs. 50,000/- is liable to be awarded in favour of the legal representatives pending disposal of the Claim Petition u/s 166 of the Act. This order of the Claims Tribunal purported to be passed under Order 12 Rule 6 CPC was patently illegal. The same is accordingly set aside. On the other hand, the order shall be treated as u/s 140 of the Act and the amount payable shall be Rs. 50,000/- only which shall be paid to the first Respondent to be utilized for himself and for the benefits of

Respondents No. 2 to 5.

4. The Claims Tribunal shall proceed to decide the Claim petition on merits after holding inquiry as provided under the Act.

5. The award amount of Rs. 50,000/- shall carry interest @ 7.5% per annum from the date of filing the petition till the date of deposit with the Claims Tribunal within 30 days.

6. Parties to appear before the Claims Tribunal on 26th March, 2012.

7. The Appeal is allowed in above terms.

8. Copy of the order be sent to the Claims Tribunal.

9. Dasti.