(2014) 01 TP CK 0030

In the Tripura High Court

Case No : M.A.C. App. No. 06 of 2008

The New India Assurance Co. Ltd. represented by its Branch Manager VsShri Jhalak Shil,Smt. Rakhi Bala Das (Shil) and Shri Parimal Das

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Date of Decision : 22-01-2014

Acts Referred:
Motor Vehicles Act, 1988 — Section 171, 66

Citation : (2014) 01 TP CK 0030

Hon'ble Judges : Deepak Gupta, C.J

Bench : Single Bench

Advocate : P. Gautam, Advocate for the Appellant; B. Deb, Advocate for the Respondent

Final Decision : Allowed

Judgement

Deepak Gupta, C.J.—This appeal by the appellant-insurance company is directed against the award dated 30th May, 2007 passed by the learned Motor Accident Claims Tribunal, North Tripura, Kamalpur in T.S. (MAC) 13 of 2006 whereby the Tribunal awarded compensation of Rs. 1,77,000/- in favour of the claimants.

2. The appeal has been filed mainly on two grounds. Firstly, that the owner has not produced the permit of the vehicle and secondly, that the Tribunal has erred in granting penal interest.

3. As far as permits are concerned the same are required only u/s 66 of the M.V. Act, 1988 and this relates only to transport vehicles and not to private vehicles. The registration certificate and the insurance policy placed on record clearly indicate that the vehicle involved in the accident was a private vehicle and not a transport vehicle. Therefore, there was no requirement of a permit. Hence this contention is rejected.

4. The second contention of the appellant is that the learned Tribunal erred in giving a direction that in case the compensation is deposited within a period of two months then the award shall carry interest @6% per annum and if it is not deposited within two months then the interest shall be 9% per annum. I am

afraid that such a direction cannot be issued by any Motor Accident Claims Tribunal. Section 171 of the M.V. Act, 1988 reads as follows:

171. Award of interest where any claim is allowed.--Where any Claims Tribunal allows a claim for compensation made under this Act, such Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

5. In view of the above, the appeal is allowed to the limited extent that the insurance company shall be liable to pay interest only at the rate of 6% per annum as awarded by the learned Tribunal. The stipulation that if the amount is not deposited within a particular period then it will carry penal interest @ 9% per annum will not apply. The insurance company shall, therefore, deposit the amount of compensation along with interest @ 6% per annum from the date of filing of the claim petition till payment/deposit of the award within a period of 4 (four) months from today. Obviously, the insurance company shall be entitled to adjust the amount(s), if any, which it has already deposited. No order as to costs.

6. Send down the lower court records forthwith.