
(2003) 06 PAT CK 0028
In the Patna High Court
Case No : M.A. No. 6 of 2000

United India Insurance

APPELLANT

Vs

Sukho Devi and Others

RESPONDENT

Date of Decision : 27-06-2003

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2003) 2 BLJR 1307

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Judgement

S.K. Katriar, J.—Heard learned Counsel for the appellant and learned Counsel for the respondents.

2. This appeal u/s 173 of the Motor Vehicles Act is directed against the judgment dated 30-9-1999 passed by the learned 3rd Additional District Judge-cum-Claim Tribunal, Darbhanga, in Claim Case No. 1 of 1936 (Sukho Devi and Ors. v. Lalan Kumar Sukla and Ors.) whereby a sum of Rs. 2,24,780 has been awarded to the claimants by way of compensation with interest at the rate of twelve per cent from the date of claim application till the date of recovery on account of the death of Birendra Mahto, husband of respondent No. 2. Another claim case, namely, Claim Case No. 2 of 1996 was filed for compensation on account of the death of Laxmi Mahto, whereby the claimants were awarded a compensation of Rs. 2,15,420 with interest at the rate of twelve per cent from the date of application till the date of recovery. Both the claim cases related to the same occurrence and the same vehicle, the deceased persons were similarly circumstanced, and both the claim cases were disposed of by separate awards of the same date, namely, 30-9-1999.

3. The Insurance Company had preferred miscellaneous appeal No. 7 of 2000 (United India Insurance Company Limited v. Jebari Devi and Ors.) challenging the award in claim case No. 2 of 1996 which related to the grant of compensation on account of the death of Laxmi Mahto. The same was disposed of by order

dated 27-9-2002, passed by a learned single Judge of this Court, whereby the award, with consent of the parties, was upheld with the only modification that the rate of interest was reduced from twelve per cent to nine percent.

4. In that view of the matter, the learned Counsel for the parties agree that the present appeal may be similarly disposed of. Therefore, this appeal is disposed of with the only modification in the Award that the rate of interest payable to the claimant is reduced from twelve per cent to nine per cent.

5. In the result, this appeal is disposed of in the aforesaid manner. The appellant shall deposit the decretal amount with the learned Claims Tribunal within a period of four weeks from today. The statutory amount deposited by the appellant in this Court shall be handed over by means of an appropriate instrument prepared in favour of respondent No. 2 (Most. Somita Devi) and be handed over to Mr. Nawal Kishore Singh, learned Counsel for the respondents. This amount shall be adjusted against the decretal amount to be deposited by the appellant in the Court below.