

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 338 of 2010

Appellant :- United India Insurance Company Ltd. And Others

Respondent :- Smt. Chaner Dei And Others

Counsel for Appellant :- Avdhesh Chandra Nigam

Counsel for Respondent :- Ashish Kesarwani,Dhananjay Awasthi,Manoj Kumar,Onkar Nath

Hon'ble Saral Srivastava,J.

Order on order sheet

In view of the order dated 8.8.2023 passed by this Court, learned counsel for the appellant is permitted to carry out the necessary substitution in the array of parties during the course of the day.

Order on appeal

Heard learned counsel for the appellants.

The present appeal has been filed by the appellant against the award dated 11.11.2009 passed by Motor Accident Claims Tribunal/Additional District Judge/Special Judge, S.C./S.T. Act, Fatehpur in M.A.C.T. Case No.229 of 1992.

Challenging the award, learned counsel for the appellant has contended that the appellant has been impleaded in the claim petition on 01.09.2006 whereas the claim petition was instituted in the year 1992, thus, the appellant Insurance Company is not liable to pay interest from 1992 till the date of impleadment of the appellant. It is further contended that the award of 12% interest is also excessive, which needs reduction by this Court in its appellate jurisdiction.

Per contra, learned counsel for the respondents would contend that the compensation awarded by the Tribunal is just and adequate.

Be that as it may, so far as the liability of interest of the appellant from the date of institution of claim petition is concerned, the said submission of learned counsel for

the appellant has substance in view of the settled position of law, but the Court is duty bound to award the just and proper compensation. In view of the fact that no future prospect has been awarded by the Tribunal, this Court is not inclined to interfere with the quantification of compensation.

So far as the submission in respect to interest is concerned, this Court may note that the claim petition has been instituted in the year 1992, this Court is of the view that at the relevant time 12% interest was prevalent, and therefore, the submission of learned counsel for the appellant in respect to interest is also not sustainable.

7. Thus, for the reasons given above, the appeal lacks merit and is accordingly **dismissed** with no order as to costs.

Order Date :- 6.11.2023

NS