

Court No. - 52

Case :- WRIT - C No. - 35604 of 2017

Petitioner :- Smt. Saroj Kumar And 3 Others

Respondent :- Executive Engineer Tubewell Division And Another

Counsel for Petitioner :- Devendra Deo Gupta, Indra Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Indra Kumar Singh, learned counsel for the petitioners and Sri Dhananjay Singh, learned Standing Counsel for the State-respondents.

2. This petition has been preferred against the order dated 21.03.2017 passed by Motor Accident Tribunal, Etah in Regular Execution Case No.24 of 2007 through which claim of the petitioner for compound interest on the decreed amount, has been rejected.

3. Brief facts of the present case are that Ram Vilas husband of the petitioner no.1, namely, Smt. Saroj Kumar met and accident with a truck and received grave injuries and subsequently he died in the hospital. Petitioner no.1 being wife of the deceased Ram Vilas filed Motor Accident Claim Case No.27 of 1988 before the Motor Accident Claim Tribunal, Etah which was allowed vide order dated 02.08.1996 and decree dated 20.08.1996 awarding compensation of Rs.2,40,000/- with 12% interest from the date of filing of the claim petition till actual payment.

4. Learned counsel for the petitioners submitted that as per the simple interest of 12% as awarded by the Tribunal, Rs.6,51,800/- have to be paid to the petitioner but the respondents paid only Rs.5,40,960/- to the petitioners on 29.07.2002 after passing several years, being aggrieved with the aforesaid, petitioners preferred Regular Execution Case No.24 of 2007 before Motor Accident Tribunal, Etah for remaining decreed amount with compound interest along with a chart regarding payment to the petitioners with simple interest of decreed amount. The Tribunal vide order dated 21.03.2017 directed for payment of remaining decreed amount with 12% simple interest and rejected the claim of the

petitioners with regard to compound interest over the remaining decreed amount on the ground of non mentioning of compound interest in the judgement dated 02.08.1996. Learned counsel for petitioners further submitted that petitioners are entitled for compound interest since the delay caused in making full payment as decreed at the best of responding authority

5. Per contra, learned Standing Counsel vehemently opposed the prayer as made in the petition and rebutted the stand taken up by learned counsel for the petitioners by submitting that the respondents have not committed any willful delay in making the payment, the delay was due to proceedings of Government offices and formalities. He further submitted that there was no mention of compound interest by the Tribunal in its decree and as such, petitioners may not be paid any amount beyond the decree and the amount as decreed by the Tribunal has already been paid to petitioners with simple interest of 12%.

6. Through the instant petition, it has been alleged that after the decree passed by the Tribunal, the respondents with malafide intention started to cause delay in making payment of decreed amount, being aggrieved with the same, petitioners preferred Regular Execution Case No.24 of 2007 before the Tribunal for remaining decreed amount be paid to the petitioners with compound interest, the Tribunal vide order dated 21.03.2017 directed for payment of remaining decreed amount with 12% simple interest. Insofar as the claim of petitioners with regard to compound interest is concerned, the Tribunal had given a categorical finding as under:-

"जहां तक डिक्रीदार के आगणन का प्रश्न है? उसके द्वारा चक्रवृद्धि ब्याज तथा साइलेंकीय पद्धति का प्रयोग किया गया है। प्रस्तुत विधि जिसके अन्तर्गत याची को क्षतिपूर्ति अदा की जा रही है, वह एक सामाजिक विधायन है। इसके अन्तर्गत इस प्रकार के आगणन की अनुमति नहीं दी जा सकती है।"

7. Learned counsel for petitioners failed to show the aforesaid finding recorded by the Tribunal to be illegal, erroneous or contrary to law in any manner, he also could not convince this Court to take a different view than that has been observed by the Tribunal.

8. In view thereof, this petition being devoid of merit, is hereby dismissed.

Order Date :- 19.10.2023

Vivek Kr.