

GAHC010101072021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./176/2021

REMTLING HMAR AND 3 ORS
W/O LALBUOITHANG HMAR, P/R/O VILL-GAMVOM, P.O. AND P.S.-MAHUR,
DIST-DIMA HASAO, ASSAM (MOTHER)

2: LALBUOITHANG HMAR
S/O LATE PAUNIENG HMAR
P/R/O VILL-GAMVOM
P.O. AND P.S.-MAHUR
DIST-DIMA HASAO
ASSAM P/R/A GALI NO. 9
C/O M/S FREIGHT CARRIER INDIA PVT. LTD.
P.O. AND P.S.-BASITHA
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781029 (FATHER)

3: MISS CHONG NEI VAH
D/O LATE CALVIN LALROCHUNG
P/R/O VILL- GAMVOM
P.O. AND P.S.-MAHUR
DIST- DIMA HASAO
ASSAM (MINOR DAUGHTER OF DECEASED CALVIN LALROCHUNG AND
ARE REPRESENTED BY THE APPELLANT NO. 1)

4: MISS CHONG BOI NEM
D/O LATE CALVIN LALROCHUNG
P/R/O VILL- GAMVOM
P.O. AND P.S.-MAHUR
DIST- DIMA HASAO
ASSAM (MINOR DAUGHTER OF DECEASED CALVIN LALROCHUNG AND
ARE REPRESENTED BY THE APPELLANT NO. 1)

VERSUS

THE ORIENTAL INSURANCE COMPANY LTD AND 2 ORS.
REGIONAL OFFICE, ULUBARI, GUWAHATI-781007 (INSURER OF THE
RECOVERY VAN)

2:MD. MOJAKKIR HUSSAIN BARBHUIYA
S/O HAZI A.R. BARBHUIYA
R/O ITKHOLA GHANIWALA END
SILCHAR
DIST-CACHAR
ASSAM
PIN-788002 (OWNER OF THE RECOVERY VAN)

3:HARILAL RAVI DAS
S/O SRI BISWANATH RAVI DAS
R/O MASIMPUR
ASSAM
PIN-788001 (DRIVER OF THE RECOVERY VAN)

Advocate for the Petitioner : MR. S CHAUHAN, MR. P MAZUMDER

Advocate for the Respondent : MR. S DUTTA (R-1), MS C BORAH (R-1),MS. M CHOUDHURY
(R-1)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

JUDGMENT

01.10.2024

Heard Mr. S. Chauhan, learned counsel for the appellants and Mr. S. Dutta, learned Senior counsel, assisted by Ms. M. Choudhury, learned counsel for the respondent No. 1.

2. This appeal, under Section 173 of the Motor Vehicles Act, 1988, is directed against the judgment and award, dated 19.06.2021, passed by the learned Member, Motor Accident Claims Tribunal No. 3, Kamrup(M), Guwahati, in MAC Case No. 2079/2017.

3. It is to be noted here that vide impugned judgment and award, dated 19.06.2021, the learned Member, Motor Accident Claims Tribunal ('MACT', for short) No. 3, Kamrup(M), Guwahati, had directed the respondent No. 1 to pay a sum of Rs. 2,87,920/- only, with interest @ 7.5% per annum, from the date of filing of the claim petition i.e. 13.10.2017, till its realization.

4. The background facts, leading to filing of the present appeal, are briefly stated as under:

“The appellants herein as claimants, filed a claim petition, being MAC Case No. 2079/2017, before the learned MACT No. 3, Kamrup(M), Guwahati, claiming compensation on account of death of one Calvin Lalrochung in a motor accident. The accident took place on 01.01.2013, at about 11:30 p.m. while one recovery van, bearing Registration No. MZ-01-C-3869, being driven by one Harilal Ravidas, in a negligent manner towards Kolasib from Silchar and ran over said Calvin Lalrochung, resulting in his death on the spot. Deceased Calvin Lalrochung was the only son of the claimant Nos. 1 and 2 and the entire family members were dependent upon him and therefore, claimant Nos. 1 and 2, being the parents and claimants No. 3 and 4, being the minor daughters of the deceased, filed the claim petition, and that the deceased was carpenter by profession and his monthly income was Rs. 15,000/- per month and in respect of the said accident, Kolasib P.S. Case No. 1/2013, under Sections 279/304A/337/427 of the IPC, had been registered. Upon the said claim petition, the learned Member, MACT No. 3 had issued notice to the respondents, who entered appearance and filed their written statements and thereafter, hearing the learned Advocates of both the parties, the learned Member, MACT No. 3 had allowed the claim petition and directed the respondent No. 1 to pay

compensation as aforesaid."

5. Being aggrieved, the appellants have approached this Court on the following grounds:

- (i) That, there is an error in assessment of the compensation and the learned Member, MACT No. 3 had arrived at a wrong finding in respect of the quantum of compensation.
- (ii) That, the learned member MACT No.3, Guwahati had assessed the compensation as per Second Schedule and held that as per Second Schedule, compensation for third party fatal accidents, within the age group above 25 years, but not exceeding 30 years, is fixed at Rs. 680/ per annum. But, as per the Second Schedule Rs.680/ has to be counted in thousand.
- (iii) That, deduction of one-third is wrong as there are four claimants, namely, father, mother, two minor daughters, in view of the judgment passed by Hon'ble Supreme Court in the case of **Sarla Verma (Smt) and Ors. vs. Delhi Transport Corporation and Anr.**, reported in **(2009) 6 SCC 121**, it ought to have been one-fourth.
- (iv) That, the learned Member, MACT No. 3 had wrongly decided the issue No. 2 and determined the quantum @ Rs. 97,920/- and also committed grave error in law, while assessing compensation as per Second Schedule of the Motor Vehicles Act, 1988, as amended.

6. Mr. Chauhan, learned counsel for the appellants has reiterated the grounds mentioned herein above and submits that even assessing the compensation as per Second Schedule, in case of third party fatal accidents,

within the age group above 25 years, but not exceeding 30 years, which is fixed at Rs. 680/ per annum, ought to have been counted in thousand not as Rs.680/ only and the same has been clearly indicated in the Schedule itself. Further Mr. Chauhan submits that the deceased left behind four dependent family members, and as such in view of decision of Hon'ble Supreme Court in the case of **Sarla Verma (Smt) and Ors.**(supra) the deduction towards personal expenses ought to have been 1/4th only. Mr. Chauhan also submits that the learned Tribunal had awarded the interest @ 7.5% per annum. But, it ought to have been @9% per annum. Mr. Chauhan also submits that future prospect has not been added by the learned Tribunal while assessing the compensation. Therefore, Mr. Chauhan has contended to allow this appeal by assessing the just compensation herein this case in the light of the law presently occupying the field. Mr. Chauhan also referred following decisions in support of his submission:-

- (i) **National Insurance Company Limited vs. Pranay Sethi and Ors.**, reported in (2017) 16 SCC 680.
- (ii) **Ningamma and Anr. vs. United Indian Insurance Company Limited**, reported in (2009) 13 SCC 710.
- (iii) **Master Ayush vs. The Branch Manager, Reliance General Insurance Co. Ltd. and Anr.**, in Civil Appeal Nos. 2205-2206 of 2022 (arising out of SLP (Civil) Nos. 7238-39 of 2021)
- (iv) **New India Assurance Co. Ltd. and Ors. vs. V. Siami and Ors.**, reported in 2021 (1) GLT 20.
- (v) **Rajendra Singh and Ors. vs. National Insurance Company**

Limited and Ors., reported in (2020) 7 SCC 256.

7. On the other hand, Mr. S. Dutta, learned Senior counsel for the respondent No. 1 submits that there is no apparent infirmity in the impugned judgment and award, dated 19.06.2021, except, however, in respect of the deduction towards personal expenses of the deceased, which ought to have been $1/4^{\text{th}}$ and that the multiplier is also applied correctly and also the interest @ 7.5% per annum, is justified and reasonable. Mr. Dutta further submits that he has no objection in the event of making necessary correction in respect of deduction towards personal expenses of the deceased in the impugned judgment.

8. Having heard the learned Advocates of both sides, I have carefully gone through the memo of appeal and documents placed on record and also perused the impugned judgment and award, dated 19.06.2021.

9. Herein this case, the entitlement of compensation by the claimants has not been disputed. The grievance of the appellants are in respect of deduction toward personal expenses and in respect of failing to add future prospect and the rate of interest and consequent mistake in assessment of the quantum of compensation.

10. That a careful perusal of the impugned judgment and award, dated 19.06.2021, reveals that in paragraph Nos. 16, 17, 18, 19, 20, 21, 22 and 23, the learned Member had discussed the issues in question. I deemed it appropriate to reproduce the same herein below for ready reference:

“16. In the instant case as though claimant alleged in the claim petition that the monthly income of the deceased was Rs. 15,000/- p.m. i.e. Rs. 1,80,000/- PA but no cogent evidence is

found in support of the claim. Income of deceased was not proved by adducing any documentary evidence. It was even not proved that deceased was carpenter.

However, considering the fact that the accident took place in the year 2013 i.e. on 01.01.2013 and the deceased was aged about 29 years as per evidence of claimant, the monthly income of the deceased was taken at Rs. 3333/- per month or Rs.40,000/- per annum. As per Second Schedule compensation for third party fatal accidents within the age group above 25 years but not exceeding 30 years is fixed at Rs. 680/- per month. So, annual income will be 8160. According to second schedule multiplier will be 18. Hence total compensation will be Rs. (8160 x 18) =146,880. Out of which 1/3rd will be reduced in consideration of the expenses which the victim would have incurred towards maintaining himself had he been alive, as per second schedule. In instant case 1/3rd of compensation will be Rs.48,960/- which is required to be deducted from the total compensation.

17. Learned Counsel by placing reliance the Notification in respect of Second Schedule under section 163A of the MV Act for compensation for third party fatal accident submitted that the Motor Vehicle Act, 1988 has been further amended, deleting Section 163A and the Second Schedule given under said section. The amendment was made on 14.08.2019 which was notified in the Gazette of India on 30th August, 2019 which means the compensation which is required to be assessed now deals with amendment dated 22.05.2018. According to amended provision of Section 163A, in case of fatal accident, the compensation amount in case of death is Rs. 5,00,000/-. As per the amendment, there is no provision of one third deduction from the compensation.

18. I have gone through the Notification, in which it is clearly mentioned that the notification shall come into from on the date of its publication in the official Gazette. So, it has no retrospective effect. In the instant case the accident took place on 01.01.2013 and the notification was published in the official Gazette on 22.05.2018.. As such, the present claim is not come within the amended Second Schedule. The argument advanced by the Ld. Counsel for the claimant in this regard is discarded.

19. Regarding the conventional heads, the Hon'ble Apex Court, in the case of National Insurance Co, Ltd. Vs. Pranay Sethi, reported in (2017) 16 SCC 680 (supra), has held at Para 54 as follows:

"54. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in Rajesh. It has granted Rs. 25,000/- towards funeral expenses, Rs. 1,00,000/- Loss of consortium and Rs. 1,00,000/- towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, It does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall In bank interest, escalation of rates in may a field have to be noticed. The court cannot remain oblivious to the same. There has been a

thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum- centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We disposed to hold so because that will bring in consistency in respect of those heads"

20. The Hon'ble Apex Court, in the case of Magma General Insurance Co. Ltd. Vs. Nanu Ram Alias Chuhru Ram, reported in (2018) 18 SCC 130; (2019) 3 SCC (Cri) 153, has held at Para 8.7 as follows:

"8.7. A constitution Bench of this court in Pranay Sethi (Supra) dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortlum. In legal parlance, consortium is a compendious term which encompasses spousal consortium, parental consortium, and filial consortium. The right to consortium would include the company, care, help, comfort,

guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse. Spousal consortium is generally defined as rights pertaining to the relationship of a husband with which allows compensation to the surviving spouse for loss of company, society, co-operation, affection, and aid of the other in every conjugal relation. Parental consortium is granted to the child upon the premature death of a parent, for loss of parental aid, protection, affection, society, discipline, guidance and training. Filial consortium is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.

Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world over have recognized that the value of a child consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

The Motor Vehicles Act is a beneficial legislation aimed at

providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of Filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accident under the Act.

A few High Courts have awarded compensation on this counts. However, there was no clarity with respect to the principles on which compensation would be awarded on loss of Filial Consortium. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under Loss of Consortium as laid down in Pranay Sethi (Supra). In the present case, we deem it appropriate to award the father and sister of the deceased, an amount of Rs. 40,000/- each for loss of Filial Consortium."

21. In the light of the above decisions of the Hon'ble Apex Court, the claimant No.1 & 2 (mother and father of the deceased) are entitled to get filial consortium, claimant Nos. 3 & 4 (daughters) are entitled to get parental consortium of Rs. 40,000/- each.

22. Considering the above discussion and findings of case laws and having considered the facts and circumstances of the present case at hand, the claimants are entitled to get the compensation as follows:-

Sl. No.	Heads of claim	Tribunal Amount (Rs)
	Established Income as per second Schedule = Rs.8160/- (per annum) Age - 29 years	
1.	Compensation as per Second Schedule (Rs.8160x 18) after 1/3 deduction	97,920/-
2.	Filial and parental consortium (Rs. 40,000/- each)	1,60,000/-
3.	Loss of estate	15,000/-
4.	Funeral expenditure	15,000/-
	Total Compensation=Rs.	2,87,920/-

23. As such the total compensation would come to Rs. 2,87,920/-.”

11. Thus, the learned Tribunal having assessed the compensation at Rs. 2,87,920/-, directed the respondent No. 1, the Oriental Insurance Co. Ltd. to pay the same .

12. Now, what left to be seen is whether the claimants are entitled to compensation as submitted by Mr. Chauhan, learned counsel for the appellants.

13. The question of inclusion of pecuniary compensation for non-tangibles and future prospects in a claim petition filed under section 163A has been dealt with by the High Court of Sikkim in **Branch Manager, Shriram general Insurance Company Ltd. Vs. Dilu Rai And Another**, in MAC Appeal No. 10 of 2028, wherein a division bench of High Court of Sikkim has held as under:-

“(i) Whether in a Claim Petition under [Section 163A](#) of the

Motor Vehicles Act, 1988 this Court is to strictly adhere to the structured formula in the [Second Schedule of the Motor Vehicles Act, 1988](#), as held in the decisions of [Sujita Newar](#) (supra) and [Thinlay Chewang Lachenpa](#) (supra) or whether it can venture beyond the structured formula as held in the decision of [Rita Thapa](#) (supra) for the purposes of computing compensation in a motor vehicle accident in which the victim meets fatality?”

14. Thereafter, discussing various precedents, the bench had answered the reference as under:-

“19. These observations unequivocally clarify that compensation under Section 163A is based on strict liability, in other words the requirement of proof of negligence on the part of the driver is done away with under Section 163A. So far as reliance on [Pranay Sethi](#) (supra) by Learned Counsel for Respondents No.1 to 5 is concerned, we are in agreement with Learned Counsel appearing on behalf of the Bar Association of Sikkim and reliance by Learned Counsel for the Respondents No.1 to 5 on the ratio is a misconception of the law. The ratio observes inter alia that the determination of income while computing compensation has to include future prospects so that the method will come within the ambit and sweep of just compensation as postulated under Section 168 of the M. V. Act. It needs no reiteration that the Supreme Court has clearly spelt out as evident from the decisions cited supra that compensation to be computed under Section 163 of the

M. V. Act is on the structured formula as it is based on no fault liability. Once a person invokes the provisions of Section 163A, the question of inclusion of pecuniary compensation for non-tangibles and future prospects does not arise. The ratio in [R.K. Malik](#) (supra) which adverts to the decision in [Lata Wadhwa and Others vs. State of Bihar and Others](#), holds no relevance herein as those matters were concerned with deaths of minors who were non-earning members.

20. In light of all the foregoing discussions, we hold that under Section 163A future prospects or any other additional non-pecuniary heads find no place and compensation in a Claim Petition under Section 163A of the M. V. Act is to be strictly computed on the structured formula provided in the [Second Schedule to the Act](#). The reference stands answered accordingly.”

14. Thus, it appears from the aforesaid decision of the High Court of Sikkim, this court is of the considered opinion that the learned Tribunal had not committed any illegality in determining the quantum of compensation on the basis of Second Schedule of the M.V. Act, 1988, as amended. Drawing premises from what has been discussed in [Dilu Rai And Another](#) (supra) this court is also inclined to hold that the appellants herein are not entitled to any relief(s) which are not provided in the Schedule-II.

16. Thereafter the issue of entitlement in a petition under section 163A of the M.V. Act, has arisen before the Hon’ble Supreme Court in the case of [Kurvan Ansari alias Kurvan Ali & Anr. vs. Shyam Kishore Murmu & Anr.](#) CIVIL

APPEAL NO.6902 OF 2021 [Arising out of Special Leave Petition (C) No.5311 of 2019], Hon'ble Supreme Court has held as under:-

“12. In the judgment in the case of Puttamma & Ors.1, this Court has observed that the Central Government was bestowed with the duties to amend Schedule-II in view of [Section 163-A\(3\)](#) of the Motor Vehicles Act 1988, but it failed to do so. In view of the same, specific directions were issued to the Central Government to make appropriate amendments to Schedule-II keeping in mind the present cost of living. In [the said judgment](#), till such amendments are made, directions were issued for award of compensation by fixing a sum of Rs.1,00,000/- (Rupees one lakh only) towards compensation for the non-earning children up to the age of 5 (five) years old and a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) for the non- earning persons of more than 5 (five) years old.

13. In the case of R.K. Malik & Anr.2 also, this Court has observed that the notional income fixed under [Section 163-A](#) of the Motor Vehicles Act, 1988 as Rs.15,000/- per annum should be enhanced and increased as the same continued to exist without any amendment since 14.11.1994. In the case of Kishan Gopal & Anr.3 where the deceased was a ten years old child, this Court has fixed his notional income at Rs.30,000/- per annum.

14. In this case, it is to be noted that the accident was on 06.09.2004. In spite of repeated directions, Schedule-

II is not yet amended. Therefore, fixing notional income at Rs.15,000/- per annum for non- earning members is not just and reasonable.

15. In view of the judgments in the cases in Puttamma & Ors.¹, R.K. Malik & Anr.² and Kishan Gopal & Anr.³, we are of the view that it is a fit case to increase the notional income by taking into account the inflation, devaluation of the rupee and cost of living. In view of the same, the judgment in the case of Rajendra Singh & Ors.⁴ relied on by the learned counsel for respondent No.2-Insurance Company would not render any assistance to the case of the insurance company.

16. In view of the above, we deem it appropriate to take notional income of the deceased at Rs.25,000/- (Rupees twenty five thousand only) per annum. Accordingly, when the notional income is multiplied with applicable multiplier '15', as prescribed in Schedule-II for the claims under Section 163-A of the Motor Vehicles Act 1988, it comes to Rs.3,75,000/- (Rs.25,000/- x Multiplier 15) towards loss of dependency. The appellants are also entitled to a sum of Rs.40,000/- each towards filial consortium and Rs.15,000/- towards funeral expenses. Thus, the appellants are entitled to the following amounts towards compensation:

(a) Loss of Dependency : Rs. 3,75,000-00

(b) Filial Consortium : Rs. 80,000-00

(Rs.40,000/- x 2)

(c) Funeral Expenses : Rs. 15,000-00

Total : Rs. 4,70,000-00”

17. Thus, drawing premises from the illuminating discourse, and also considering the submissions advances at the bar and further considering the facts and circumstances on the record, an endeavour would be made to assess the compensation, which the claimants/appellants are entitled to.

18. Here in this case, admittedly the appellants have not exhibited any documents regarding the income of the deceased. But, a plea was taken that he was working as a carpenter. Since no document has been produced to substantiate the income of the deceased, notional income has to be taken. The learned Tribunal had taken the notional income of the deceased at Rs.40,000/- (Rupees Forty Thousand only) per annum. Having accepted the same as income of the deceased per annum, I find that the multiplier applicable herein this case, as per Second Schedule, will be 18, since the age of the deceased at the relevant time was 29 years. Accordingly, when the notional income is multiplied with applicable multiplier '18', as prescribed in Second Schedule, the claims under Section 163-A of the Motor Vehicles Act 1988, it comes to Rs.7,20,000/- (Rs.40,000/- x Multiplier 18) towards loss of dependency. As per Second Schedule, the deduction towards personal expenses will be $\frac{1}{3}^{\text{rd}}$ of the said total income. Thus after deduction of $\frac{1}{3}^{\text{rd}}$ of the amount from Rs.7,20,000/- the amount will be (7,20,000- 2,40,000= 4,80,000/-). Besides, the appellants are also entitled to a sum of Rs.40,000/- each towards filial consortium which would be Rs. 1,60,000/-. The appellants will be entitled to another sum of Rs.15,000/- towards funeral expenses and Rs.15,000/ for loss of estate. It is a

fact that in the case of Kurvan Ansari (supra), no amount was awarded under this head. But, it was awarded by the learned Tribunal and the respondents have not objected to the same.

19. Thus, total amount of compensation, which the appellants are entitled to, is assessed at **Rs. 6,70,000/- (Rupees six lacs seventy thousand)** only. The entire assessment is reflected in the chart given below:-

Sl. No.	Heads of claims	Amount in (Rs)
01.	Loss of dependency:- Income per annum as per Second Schedule Rs.40,000/- (per annum), with multiplier 18 since the age of the deceased was 29 years	Rs.40,000 x 18 = Rs.7,20,000/-
1.	Compensation as per Second Schedule after 1/3 deduction	Rs.7,20,000- Rs. 2,40,000 = 4,80,000/-
2.	Filial and parental consortium (Rs. 40,000/- each)	1,60,000/-
3.	Loss of estate	15,000/-
4.	Funeral expenditure	15,000/-
	Total Compensation	Rs.6,70,000/-
		-

20. Now, adverting to the rate of interest I find that the learned Tribunal had awarded the same @7.5% per annum. Although, Mr. Dutta, the learned counsel for the respondent No.1 submits that the learned Tribunal had correctly assessed the rate of interest @ 7.5% per annum, yet Mr. Chauhan, the learned

counsel for the appellants submits that at least it should have been 9% per annum. There appears to be substance in the submission of Mr. Chauhan. The issue of awarding the interest was succinctly dealt with by Hon'ble Supreme Court in the case of **Municipal Council of Delhi v. Association of Victims of Uphaar Tragedy** reported in **(2011) 14 SCC 481**. And after discussion of the issue had awarded interest upon the compensation to the victims of that case at the rate of 9% p.a. This decision was followed in umpteen cases by Hon'ble Supreme Court in the cases of appeal in MACT cases. In view of the law laid down in the case of **Association of Victims of Uphaar Tragedy** (supra) this court is inclined to hold that the amount of compensation so assessed herein this case shall carry interest @ Rs.9% per annum, from the date of claim petition i.e. 13.10.2017 till realisation.

21. In the result, this appeal succeeds. And accordingly, the same stands allowed. The amount of compensation, which the appellants are entitled to, stands modified to the extent indicated herein above. It is provided that the respondent Insurance Company shall pay the aforesaid amount to the claimants/appellants, within a period of one month from today, after adjusting the amounts (if any) already paid by it. Send down the record of the learned Tribunal forthwith with a copy of this judgment and order. The parties have to bear their own costs.

JUDGE

Comparing Assistant