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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 6th May, 2015

+ **MAC.APP. 1037/2013**

SMT PUSHPLATA & ORS Appellants

Through: Mr. M.K. Singh, Adv.

versus

SH SURESH & ORS. Respondents

Through: Mr. Dinesh Kumar Adv. for R-1 &
R-2.

Mr. L.K. Tyagi, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

G. P. MITTAL, J. (ORAL)

CM APPL.14277/2014 (Restoration)

For the reasons as stated in the application, the same is allowed. The appeal is restored to its original number.

The application stands disposed of.

MAC.APP. 1037/2013

1. With the consent of the parties, the matter is taken up for final disposal.
2. The appeal is directed against the judgment dated 22.08.2013 passed by the Motor Accident Claims Tribunal (the Claims Tribunal)

whereby compensation of Rs.46,49,625/- was awarded in favour of the Appellants for the death of Ajit Kumar Lal, who suffered fatal injuries in a motor vehicular accident which occurred on 12.10.2011.

3. The only ground raised by the learned counsel for the Appellants is that the Claims Tribunal while awarding compensation did not grant any interest.
4. It goes without saying that interest is awarded to the victim or legal representatives of the deceased in case of death to compensate him/her/them for loss of money during pendency of the proceedings and the compensation is granted on the basis of the income of the victim on the date of the accident.
5. The Claims Tribunal, therefore, ought to have awarded interest in this case as well. It seems that this was only an omission on the part of the Claims Tribunal not to award interest.
6. In view of this, the appeal is allowed. The Appellants shall be entitled to interest @ 8% per annum from the date of filing of the petition till the amount is deposited by the Respondent Insurance Company.
7. Respondent Insurance Company is directed to deposit the amount of interest as stated earlier within six weeks.

8. The interest awarded shall be equally shared amongst all the five Appellants.
9. Pending applications, if any, also stand disposed of.

(G.P. MITTAL)
JUDGE

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