

The New India Assurance Company Ltd. and Another

versus

Smt. Santosh and others

Present: Mr. R.C.Kapoor, Advocate
for the applicants/appellants.

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C.M. No. 14712-CII of 2016

Exemption from filing certified copy of the order dated
23.5.2016 is granted.

Application is allowed.

RA-CR-192-CII of 2016

This application has been filed by the New India Assurance
Company Ltd. under Order 47 Rule 1 read with Section 151 CPC for
review of the order dated 23.5.2016.

It is apposite to note here that this appeal i.e. F.A.O. No. 1345
of 2001 was initially filed jointly by the New India Assurance Company
Ltd. (hereinafter referred to as the 'Insurance Company') along with the
owner of the offending vehicle. However, on an application filed by the
Insurance Company it was permitted to be transposed as respondent No.5.
Thus, the appeal was pursued by the owner of the offending vehicle.
Though this fact is clearly mentioned in the order dated 23.5.2016, it
appears that necessary corrections have not been carried out by the Registry
in the Memo of Parties. It is, thus, wrongly mentioned in this application
that it is filed on behalf of the appellant.

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***C.M. No. 14712-CII of 2016 and
R.A.-CR-192-CII of 2016 in
F.A.O. No. 1345 of 2001***

Be that as it may, I have heard learned counsel for the applicant-Insurance Company.

The sole argument raised is that the interest of 12% awarded by the learned Tribunal on the amount of compensation is on the higher side and it should not be more than 7.5% per annum.

In the entirety of the facts and circumstances of the case, no ground whatsoever is made out for review of the order dated 23.5.2016. The Registry is directed to make necessary corrections in the Memo of Parties in accordance with the order dated 24.1.2002, wherein the Insurance Company has been transposed as respondent No.5.

This application is accordingly dismissed.

23.9.2016
Rupi

**(LISA GILL)
JUDGE**