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

Date of Decision: 31st March, 2016

\+ **MAC.APP. 938/2015**

ORIENTAL INSURANCE CO. LTD. ..... Appellant
Through: Mr. Tarkeshwar Nath & Mr. Saurabh Tuteja, Advs.

versus

SMT. SONIA VERMA& ORS ..... Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. By judgment dated 14.8.2015, the motor accident claims tribunal (the tribunal) decided the accident claim case under Sections 166 and 140 of Motor Vehicles Act, 1988 (MV Act) preferred by the first respondent on 09.03.2011 granting compensation for injuries sustained by her in motor vehicular accident that had occurred on 10.02.2011 involving motor vehicle described as DL IV 8714, admittedly insured against third party risk with the appellant insurance company (insurer), for the period in question. By the said judgment, the tribunal assessed compensation at ₹ 5,97,854/- and directed the insurer to satisfy the award. On application under Section 152 of the Code of Civil Procedure, 1908 (CPC), later moved, the award was modified by order 01.10.2015 to the effect that the insurer was directed to

pay the amount of ₹ 5,51,394/- with interest at 12 % per annum from the date of filing of the petition till realization.

2. By the appeal at hand, the solitary grievance raised by the insurer is as to the rate of interest.

3. Inspite of notice, the claimant has not appeared to put in any contest.

4. On perusal, it is found that no special reasons have been set out by the tribunal in the impugned judgment/order to impose the rate of interest higher than ordinarily levied.

5. Following the consistent view taken by this Court [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors*.], the rate of interest is reduced to 9% per annum from the date of filing of the petition till realization.

6. By order dated 10.12.2015, on the application of the appellant it had been directed that the executing forum shall not take into consideration the rate of interest for the purpose of realization. The tribunal is now directed to enforce the award with the rate of interest modified as above. The insurer shall be obliged to pay the amount payable under the award modified by this Court by requisite deposit with the tribunal within 30 days, whereupon it shall be released.

7. The statutory deposit, if made, shall be refunded.

8. The appeal is disposed of in above terms.

R.K. GAUBA
(JUDGE)

MARCH 31, 2016/nk