

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.531 of 2014

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1. Most. Sakina Khatoon. W/o Late Md. Mubarak.
2. Md. Mukhtar. S/o Late Md. Mubarak.
3. Tanvir Alam. S/o Late Md. Mubarak. Serial No. 2 and 3 are minor sons of Late Md. Mubarak under the guardianship of their mother the natural guardian. All are resident of village - Patiyasa, P.S.- Ahiyapur, District - Muzaffarpur.

.... Appellant/s

Versus

1. M/s T.S. Roadways Pvt. Ltd. 133, Narang Colony, A - Block, Janakpuri, New Delhi - 110058. (Owner of Truck No. HR - 38 M/ 9976).
2. The Divisional Manager, National Insurance Company Ltd. Motijheel, Muzaffarpur. (Insurer of Truck No. HR - 38 M/9976).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Prasad Singh

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 20-07-2017 For the reasons mentioned in the application, delay in filing the appeal is condoned. I.A. No. 9330/15 is allowed.

This appeal has been filed against the judgment dated 14.03.2014 and award dated 03.04.2014 passed by 6th Additional District Judge-Cum-Motor Accident Claims Tribunal, Muzaffarpur in Claim Case No. 40/2007 whereby and whereunder the learned Tribunal has partly allowed claim case without any pendente lite or future interest.

From perusal of the record it appears that in this case the learned Tribunal awarded amount of Rs.3, 67, 500/- to the claimants. This appeal is on the ground that no interest pendente



lite or future interest has been awarded to the appellant.

From perusal of the award it appears that no interest has been awarded to the claimant, inspite of law settled by Hon'ble Apex Court reported in **A.I.R. 2009 (S.C.) 3098 (Thazhathe Purayil Sarabi & Ors. Vs. Union of India & Anr.)**, followed by this Hon'ble High Court.

In view of the aforesaid fact, this appeal is allowed with direction to respondent no. 2 to the extent to pay appellant 6% interest from the date of filing of the Claim case. Amount so calculated, shall be paid within 60 days.

(Vinod Kumar Sinha, J)

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