

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.468 of 2014

=====

Parwati Kuwar, Wife of Late Kamata Prasad, resident of village Banjari, P.S. -
Rohtas, District - Rohtas. Appellant.

Versus

1. Kalyanpur Cement Factory Limited, Banjari, P.S. Rohtas, District - Rohtas.
 2. S.P.S. Grewal @ Griwal Saham Driver cum Chief Secretary Officer of
Kalyanpur Cement Factory Limited Banjari, P.S. Rohtas, District - Rohtas.
 3. United India Insurance Company Limited, Sasaram, Rohtas.
- Respondents.
- =====

Appearance :

For the Appellant : Mr. Surajdeo Singh, Adv.

For the Respondent Nos.1 & 2 : Mr. Abhimanyu Vatsa, Adv.

Mr. Ranji Kant Singh, Adv.

For the Respondent No.3 : Mr. Durgesh Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the appellant and learned
counsel for the respondents on this miscellaneous appeal.

This miscellaneous appeal has been filed against the
judgment dated 25.03.2014 and award dated 05.05.2014 passed by the
Ad hoc Additional District and Sessions Judge-II-cum-Motor
Accident Claim Tribunal, Rohtas, Sasaram (hereinafter in short
referred to as the 'Tribunal') in Motor Vehicle Claim Case No.121 of
2008, whereby the learned Tribunal allowing the claim petition
directed the opposite party no.3-United India Insurance Company
Limited (hereinafter in short referred to as the 'Insurance Company')
to pay compensation to the tune of Rs.6,66,360/- to the claimant.

The factual matrix of the case is that the claimant-



Parwati Kuwar filed M.V. Claim Case No.121 of 2008 for awarding compensation on account of death of her husband, namely, Kamata Prasad with the case in succinct that the deceased was a trolley checker in Kalyanpur Cement Factory Limited Banjari. On 09.01.1999 at about 9:30 PM the Security Officer driving the Jeep, bearing registration no.BR 1 P 0926, very rashly and negligently dashed him at gate no.3 of the said company inflicting severe injury to him. He was rushed to the local hospital to accord medical aid but when his condition became precarious he was rushed to the Bose clinic but he succumbed to his injury on the way. Regarding the aforesaid accident Rohtas P.S. Case No.10 of 1999 was instituted under Section 279 and 304 A of the Indian Penal Code. The deceased was aged about 45 years and at the time of accident he used to earn Rs.8000/- per month as salary from the said vocation.

Opposite parties of the said case put their appearance in the case and filed written statements. The claimant also adduced ocular and documentary evidence in buttress of her case.

After hearing the parties and perusing the record, the learned Tribunal passed the aforesaid judgment and award as detailed in earlier paragraph.

Being aggrieved and dissatisfied with the aforesaid judgment and award, the claimant has filed this appeal.



It is submitted by learned counsel for the appellant that the learned Tribunal has not granted any interest on the aforesaid amount of compensation though under Section 171 of the Motor Vehicles Act, the interest ought to have been granted on the aforesaid compensation.

On the other hand, it is submitted by learned counsel for the Insurance Company that the case is of the year 2008 and it was decided in the year 2014 and the appellant adduced evidence in the case in the year 2013, thus, there has been laches on the part of the appellant in conducting the case and due to aforesaid laches it took such a long span of time in its disposal. Hence, the appellant if found entitled, is not entitled to get any interest from the date of filing of the claim petition rather from the date of passing evidence.

From perusal of the record, it appears that the appellant has filed the present appeal only on the ground of not awarding interest on the award amount by the learned Tribunal. The record indicates that the M.V. case was filed in the year 2008 and it was disposed of on 25.03.2014. As per the submission of learned counsel for the respondent, the appellant started adducing evidence in the year 2013. Thus, there appears to be laches on the part of the appellant in prosecuting this case and due to the alleged laches, the aforesaid case took a long span of time of 8 years in its disposal. There is nothing on



record to indicate as to when the opposite parties put their appearance in the case and filed written statement and when the issues was framed by the learned Tribunal.

In view of the facts and circumstances of the case and in the interest of justice and also considering the Motor Vehicle Act being a beneficial legislation, the interest at the rate of 6% per annum is awarded from the date of framing the issues on the aforesaid amount of compensation awarded by the learned Tribunal.

With the aforesaid modification in the impugned judgment and award, this miscellaneous appeal stands disposed of.

(Prakash Chandra Jaiswal, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	08.12.2017

