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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 160 of 2017**

The Oriental Insurance Company Limited Through Its Divisional Manager, Divisional Office, 1st Floor, Rama Trade Centre, Near Bus Stand, Bilaspur, Civil & Revenue Distt. Bilaspur (Chhattisgarh) P I N 495001

---- Petitioner**Versus**

1. Smt. Devki Nag Wd/o Late Prakash Kumar Nag, Aged About 30 Years R/o Village Dornapal, P. S. Dornapal, Tahsil Konta, Distt. Sukma (Chhattisgarh)Claimant
2. Nishant Kumar Nag, S/o Late Prakash Kumar Nag, Aged About 12 Years Minor And Reprsented Through His Mother And Natural Guardian Smt. Devki Nag, Wd/o Late Prakash Kumar Nag (The Respondent No. 1) R/o Village Dornapal, P. S. Dornapal, Tahsil Konta, Distt. Sukma (Chhattisgarh)Claimant
3. Himanshu Kumar, S/o Late Prakash Kumar Nag, Aged About 8 Years Minor And Reprsented Through His Mother And Natural Guardian Smt. Devki Nag, Wd/o Late Prakash Kumar Nag (The Respondent No. 1) R/o Village Dornapal, P. S. Dornapal, Tahsil Konta, Distt. Sukma (Chhattisgarh)Claimant
4. Smt. Chandrama, Wd/o Late N. Ratnaiya, Aged About 57 Years R/o Village Dornapal, P. S. Dornapal, Tahsil Konta, Distt. Sukma (Chhattisgarh).....Claimant
5. Jairam Sodi, S/o Jogaram Sodi, Aged About 27 Years At Dornapal, Tahsil Konta, Distt. Sukma (Chhattisgarh).....Driver
6. Brojen Kabiraj, S/o Prafulla Kabiraj, Aged About 50 Years Tahsil Konta, Distt. Sukma (Chhattisgarh).....Owner

---- Respondent

For Petitioner : Shri Ratan Pusty, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/03/2017**

Heard on admission.

- (1) Learned Claims Tribunal, South Bastar, Dantewada, in Claim Case No.155/2014, allowed the application under Section 166 of the

Motor Vehicles Act, 1988 filed by claimants Smt. Devki Nag & others granting compensation to the tune of Rs.24,49,783/- and the conditional interest was granted stating that if the compensation was not deposited by the petitioner-Oriental Insurance Company within one month's time, the petitioner shall be liable to pay interest 9% per annum thereon, which was deposited by the petitioner/Insurance Company well within time.

(2) Thereafter, the Claimants moved an application under Section 151 of the Code of Civil Procedure stating that interest be awarded to them from the date of filing of application, which was allowed by the Claims Tribunal by order dated 17.10.2016 and the interest @ 9% per annum was granted to the claimants on the amount of compensation from the date of filing of claim application till its actual payment.

(3) The petitioner/Insurance Company filed an application for review of the order dated 17.10.2016 stating that learned Claims Tribunal ought not to have awarded interest while granting application under Section 151 of the CPC, that application has been rejected by the Claims Tribunal, against which, instant writ petition under Article 227 of the Constitution of India has been filed questioning the same.

(4) Learned counsel appearing for the petitioner would submit that the learned Claims Tribunal has committed illegality in granting interest while allowing the application under Section 151 of the CPC, which was not granted by the Claims Tribunal while granting claim application and, therefore, the impugned order be set aside.

(5) After hearing learned counsel appearing for the parties and taking into consideration the fact that the claimant are entitled for the

interest by virtue of Section 171 of the Motor Vehicles Act and in view of the decision rendered by the Supreme Court in the **National Insurance Co. Ltd. v. Keshav Bahadur and others**¹, I do not find any illegality in the order impugned warranting interference by this Court under Article 227 of the Constitution of India.

(6) Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

1 2004 (2) SCC 370