IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.7909 of 2016(O&M)
Date of Decision: 26.07.2017

ICICI Lombard General Insurance Co. Ltd. ......Petitioner
Vs
Jaspal Kaur and others .....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Sandeep Suri, Advocate
for the petitioner.

Mr. G.S. Basati, Advocate
for respondents No.1 to 5.

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RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner-Insurance Company has filed this revision petition against the order dated 30.09.2016 passed in the execution of award dated 20.07.2010 passed by Motor Accident Claims Tribunal, Fatehgarh (for short 'the Act').

[2]. In a petition under Section 166 of the Motor Vehicles Act filed by the claimants/respondents, the Tribunal awarded an amount of Rs.9,77,000/- in favour of the claimants. The operating part of the award reads as under:-

> *"In view of my findings on the above said issues, I award compensation of Rs.9,77,000/- which all the applicants are entitled to received from the respondents with costs. The Insurance Company is directed to deposit the amount of compensation within 1-1/2 months from today failing which the applicants are entitled to receive the interest on the amount of compensation awarded in*

their favour at the rate of Rs.6% per annum, from the date of claim application till the realisation. Out of the amount of compensation, Guddu applicant No.2 is entitled to receive Rs.50,000/- and applicants No.1, 3 to 5 are entitled to receive the remaining amount in equal shares. The share of minor applicants No.3 to 5 be deposited in the shape of FDR in nationalized bank which they will be entitled to receive on attaining majority with prior permission of the Tribunal. Counsel fee is assessed to Rs.1000/-. Memo of costs be prepared accordingly. File be consigned to the record room."

[3]. Evidently, while passing the aforesaid award, Insurance Company was directed to deposit the amount of compensation within one and half months, failing which the claimants were held entitled to receive the interest on the compensation @ 6% per annum from the date of filing of claim petition till final realisation of the amount.

[4]. Feeling dissatisfied with the adequacy of the amount, the claimants filed FAO No.2388 of 2011 titled Jaspal Kaur and others Vs. Harjeet Singh and others. In the appeal, grouse of the claimants-appellant was also to the effect that the Tribunal has not awarded interest on the amount so awarded at the first instance and directed the Insurance Company to deposit the same within one and half months from the date of award. In this way, there was apparent loss of interest in favour of the claimants from the date of filing of the claim petition till payment was made by the Insurance Company in the executing Court.

[5]. High Court vide order dated 30.07.2013, enhanced the amount of compensation from 9,77,000/- to 16,20,312/-, which was payable to the claimants-appellants with simple interest @ 6% per annum from the date of filing of the claim petition till final realisation of the amount. The order passed by the High Court on 30.07.2013 has become final, as no clarification was sought by the petitioner-Insurance Company in respect of accrual of the interest on the difference of the amount so enhanced by the High Court. Even otherwise, I find no justification to interfere in the order, particularly, in view of the fact that the period during which the claim petition remained pending before the Tribunal cannot be credited to the disadvantage of the claimants in terms of interest. If the amount awarded by the Tribunal had been deposited by the Insurance Company in the executing Court, the necessary computation of interest shall be made by the executing Court keeping in view the deposit made by the Insurance Company and the interest accrued on such amount shall be adjusted while making final payment to the claimants.

[6]. In view of aforesaid, the present revision petition stands disposed of.

July 26, 2017. **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No