

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

105

FAO No.8187 of 2015
Date of Decision:16.11.2017

Meera Abott and another

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Verma, Advocate
for the appellants.

Mr. Pardeep Goyal, Advocate
for respondent No.4.

ANIL KSHETARPAL, J.(Oral)

The limited grievance of the appellants in the present appeal is that while awarding interest on the compensation assessed, the Court has ordered that the interest shall be payable from the date when the file of the case was received in the Court after remand till realization.

Learned counsel for the appellants has submitted that the interest should have been awarded from the date the claim petition was filed. He has submitted that the matter remained pending in the trial Court or before learned First Appellate Court and appellants cannot be deprived of the interest payable on this score.

On the other hand, learned counsel for the respondent No.4 has vehemently contested the limited prayer made in the appeal on the ground that initially the claim petition filed by the claimants was allowed only to the extent of compensation payable under no fault liability and thereafter in

cannot be made liable for the delay.

It is not in dispute that a just compensation is payable to the claimants immediately after the accident. Since the Insurance Company do not pay the compensation, therefore, the claimants were forced to file the claim petitions before the Tribunal. It is for this reason, the Courts are awarding interest on the compensation assessed. The compensation is assessed as per the dependency calculated on the date of accident. Insurance Company has utilised the amount, which was payable on the date of accident.

Taking into consideration these facts, the appeal is allowed. The interest as awarded by the Tribunal shall be payable from the date of claim petition till the date of payment.

16.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No