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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 9/2016 & CM No. 486/2016**

NATIONAL INSURANCE CO LTD Appellant
Through: Mr. Pradeep Gaur and Mr. Amit Gaur,
Advs.

versus

UMESH KUMAR & ORS Respondents
Through: Mr. Umesh Kumar, R-1 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **09.05.2017**

This appeal impugns the Award dated 06.10.2015 passed in MACP No. 98/15. It is the appellant's case that the claim was not being duly prosecuted by the claimant. Indeed the claim was once dismissed for non-prosecution. However, it was restored and after due proceedings the impugned Award was passed. There is no challenge to the restoration of the claim petition. The Court is of the view that in so far as the claim was restored, prosecuted and the fact that its disposal took the time that it did, cannot be held against the claimants.

The other ground raised by the appellant is that instead of the usual 9% p.a. interest has been granted at the rate of 10% p.a. The Court finds reason in this contention. Accordingly, the interest rate is reduced to 9% from 10%. The appeal is allowed in the above terms.

The learned counsel for the appellant submits that only the awarded amount has been deposited. Accordingly, the appellant will satisfy the

award with interest at the rate of 9% p.a. within two weeks. The amount deposited shall be released to the beneficiary of the Award alongwith interest accrued thereon. The statutory deposit be refunded to the appellant.

The appeal and the application are, accordingly, disposed off.

NAJMI WAZIRI, J

MAY 09, 2017/kk