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

Decided on: 26th October, 2017

\+ MAC APPEAL 160/2017 & CM No. 6529 & 6531/2017

SHRI RAM GEN. INS. CO. LTD. ..... Appellant
Through: Mr. Mohammad Mustafa, Adv.

versus

RAJESH KUMAR & ORS. ..... Respondents
Through: Mr. Anshuman Bal, Adv. for R1.

\+ MAC APPEAL 167/2017 & CM No. 6737 & 6739/2017

SHRI RAM GEN. INS. CO. LTD. ..... Appellant
Through: Mr. Mohammad Mustafa, Adv.

versus

SANGEETA & ORS. ..... Respondents
Through: Mr. Anshuman Bal, Adv. for R1 & R2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. Both these appeals arise out of a common judgment of the Motor Accident Claim Tribunal (tribunal), rendered on 11th November, 2016 on the claim petitions (MAC petition nos. 48/2016 and 30/2016) of the first and second respondents, (collectively, the claimants) seeking compensation on account of death of their children, daughter Naina, aged 14 years and son Vishal @ Badal, aged 12 years in a motor vehicle accident that had occurred on 5th January, 2014, involving the negligent driving of truck bearing registration no.HR-55Q-7692, admittedly insured against third party risk with the appellant (insurer) for the period in question. It may be mentioned that the first respondent Rajesh Kumar, had also suffered injuries in the same accident and his claim petition (no.29/2016) was also decided by the same judgment, order in which regard is subject of another appeal (MAC 165/2017).

2. In the appeals at hand questioning the awards in the case of the death of the two children, the insurer on which the liability to pay has been fastened, raises only one issue, viz. that the rate of interest levied (12%) is excessive.

3. Having heard the learned counsel on both sides and having perused the record, this Court finds no special reasons set out for levy of such rate of interest which is higher than the ordinary. Following the consistent view taken by this Court, the rate of interest is reduced to 9% (nine per cent) per annum from the date of filing of the petition till realization. [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors*].

4. With the above modification, the appeals stand disposed of.

5. By identical order dated 20th February, 2017 the execution of the impugned awards in the two cases mentioned above was stayed

subject to the appellant depositing the entire awarded amount with interest. The Tribunal shall calculate the amount payable to the claimants in terms of the modification ordered as above and release the same from out of the amount so deposited, refunding the excess if any to the insurance company.

6. The statutory amounts shall also be refunded.

7. Both appeals with pending applications stand disposed of.

R.K.GAUBA, J.

OCTOBER , 2017
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