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

*Decided on: 5<sup>th</sup> July, 2017*

+ MAC.APP. 261/2017 and CM No.10246/2017

ORIENTAL INSURANCE CO LTD ..... Appellant  
Through: Mr. R.K. Tripathi, Advocate

versus

KAMLA DEVI & ORS ..... Respondents  
Through: Mr. Navneet Goyal, Advocate for  
R-1 & 2

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

**JUDGMENT (ORAL)**

1. On claim petition (MAC 61/2013) instituted by first and second respondent jointly (claimants hereinafter) compensation in the sum of Rs.6,29,368/- had been granted by the Motor Accident Claims Tribunal (Tribunal) by judgment dated 06.12.2016 on account of death of their child Rohit Kumar in an accident that occurred on 03.11.2012. While awarding the compensation, the Tribunal has levied interest at the rate of 12% p.a. It is this liability which is the sole point of grievance raised in the present appeal.

2. The claimants have appeared through counsel on notice and the learned counsel fairly concedes that there were no special reasons why a higher than the ordinarily levied rate of interest should have been imposed. Following the consistent view by this Court, the award is

modified. The compensation directed to be paid by the Tribunal shall be borne by the appellant / insurance company with interest at the rate of 9% p.a. from the date of filing of the claim petition till realization. [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*].

3. The amount in terms of these directions shall be released from the amount deposited by the insurance company, the excess being refunded. The statutory amount shall also be refunded.

4. The appeal and the pending application are disposed of accordingly.

**JULY 05, 2017**

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**R.K.GAUBA, J.**