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

Decided on: 18th September, 2017

+ **MAC APPEAL No. 444/2010**

NATIONAL INSURANCE CO. LTD. Appellant

Through: **Mr. Pankaj Seth, Adv.**

versus

MALA RANI & ORS. Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The only issue pressed at the hearing by the appellant insurance company is that since the award was granted by the tribunal, by judgment dated 20.05.2010, on a claim petition (bearing Suit No. 111/2009) that was instituted on 14.10.1999 by the claimants (first to fourth respondents), the delay being primarily of the claimants, the interest should not have been levied to the extent of nine per cent (9%) per annum.

2. A perusal of the record of the tribunal reveals that the claimants cannot be faulted entirely for the delay which occurred on account of judicial process and evasion by the other parties.

3. The appeal is therefore dismissed.

4. By order dated 26.07.2010, the insurance company had been called upon to deposit the entire awarded amount and from out such deposit, seventy five per cent (75%) was allowed to be released in terms of orders dated 06.09.2010 and 13.12.2010. The balance amount held back, shall now be released to the claimants.

5. The statutory amount shall be refunded to the appellant insurance company.

6. The appeal stands disposed of in above terms.

SEPTEMBER 18, 2017

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R.K.GAUBA, J.