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

***Decided on: 2nd August, 2017***

\+ MAC.APP. 405/2016 and CM APPL.17762/2016 (stay)

RELIANCE GENERAL INSURANCE CO LTD.... Appellant

Through: Mr. A.K.Soni, Advocate

versus

ARUN SAIN & ORS. ..... Respondents

Through: Mr. Ankit Aggarwal, Advocate for R-1.

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

**JUDGMENT (ORAL)**

1. On the claim petition (Suit No.62/2016) of the first respondent Arun Sain with two other claim petitions, relating to the same occurrence they having been clubbed, inquiry was held by the tribunal leading to common judgment dated 22.02.2016 resulting in award in the sum of Rs.90,344/- being awarded and the appellant insurance company being directed to pay with interest @ 12% per annum.

2. The insurance company, by the present appeal, presses only one grievance, it relating to the rate of interest levied submitting it is excessive.

3. Having heard the learned counsel for the appellant and first respondent, this court finds substance in the submissions raised in the appeal.

4. Following the consistent view taken by this Court, the rate of interest is reduced to 9% 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*.].

5. The award is modified accordingly.

6. By order dated 12.05.2016, the insurance company had been directed to deposit the entire awarded amount with interest @ 9% per annum with the tribunal within the time specified and for such amount being deposited to be released to the claimants. The counsel for the claimants submits the order was not properly complied with as there is deficiency in the payment. The claimants are at liberty to take out appropriate proceedings before the tribunal to enforce the award as modified.

7. The appeal is disposed of in above terms.

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

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

**AUGUST 02, 2017**
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