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

Decided on: 23rd August, 2017

\+ MAC.APP. 456/2016 and CM 20659/2016

THE NEW INDIA ASSURANCE CO LTD ..... Appellant

Through: Mr. Anshum Jain and Mr. Amol Sinha, Advocates

versus

MANJU DEVI AND ORS ..... Respondents

Through: Mr. S.N. Parashar, Adv. for R-1

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

JUDGMENT (ORAL)

1. The Motor Accident Claims Tribunal (Tribunal) while awarding compensation, by judgment dated 22.03.2016, in favour of the first respondent on the claim petition (MAC no.132/12) awarded interest at the rate of 12% p.a. from the date of filing of the said petition till realization.

2. The appeal by the insurance company upon which liability is fastened is pressed only to question the said high rate of interest.

3. Indeed, the tribunal has not set out any reasons for opting to levy such high rate of interest which is out of ordinary. 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*.]

4. The appeal and the pending application are disposed of in above terms.

5. By order dated 27.05.2016, the insurance company had been directed to deposit the entire awarded amount with interest at the rate of 9% p.a. within the specified period and out of such deposit 50% was allowed to be released, the balance retained. The balance lying in deposit shall also be released to the claimant.

6. The statutory amount shall be refunded.

R.K.GAUBA, J.

AUGUST 23, 2017
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