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

+ **MAC.APP. 1036/2016**

ORIENTAL INSURANCE CO LTD. Appellant

Through: **Mr. R.K. Tripathi, Advocate**

Versus

JAFRUDDIN KHAN & ORS. Respondents

Through: **Nemo.**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **02.01.2017**

MAC.APP. 1036/2016 & C.M.No. 45363/2016 (for stay)

Impugned Award grants compensation with interest @12% per annum. The challenge in this appeal to the impugned Award is on the ground that the rate of interest granted is exorbitant. To submit so, attention of this Court is drawn to Supreme Court's decision in *Jitendra Khimshankar Trivedi Vs. Kasam Daud Kumbhar and others*, (2015) 4 SCC 237.

Learned counsel for appellant submits that the first respondent is the only contesting respondent.

First respondent is served but none has appeared on his behalf. He is set *ex parte*.

Upon hearing, I find that the grievance in this appeal relates to grant of rate of interest. In view of Supreme Court's decision in *Jitendra*

Khimshankar Trivedi (supra), the impugned Award is modified to the extent that the awarded amount shall carry interest @9% p.a. and not 12% p.a.

With aforesaid modification in the impugned Award, this appeal and application are disposed of. Statutory deposit, if any, be refunded to appellant as per rules.

(SUNIL GAUR)
JUDGE

JANUARY 02, 2017
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