

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 727 OF 2002

Smt. Yashodabai w/o Pandurang Lohar,
Age: 46 Years, Occu: Household work,
R/o : Sangvi, Tq. Shirpur,
District Dhule. ..Appellant

Versus

1. Rameshkumar Dayaram Warma,
Age: Adult, Occu. Driver,
R/o. Gopalpura, Agra.
2. Hemantkumar Mukhija,
Age: Adult, Occu. Truck Owner,
R/o. A/27/New Agra, M.P.
3. United India Insurance Co. Ltd,
Block No.57, Rajesh Sanjay Palace,
Agra 282 002.
4. Lalitabai d/o. Pandurang Lohar,
Age: 26 years, Occu.Educatoion.
5. Kum. Babita d/o. Pandurang Lohar,
Age: 24 years, Occu. Education.
6. Arun Pandurang Lohar,
Age: 22 years, Occu. Education.
7. Vilas Pandurang Lohar,
Age: 20 years, Occu.Education.
8. Sau. Vanabai w/o. Rajaram Lohar,
Age: 67 years, Occu. Household work.
9. Rajaram Deochand Lohar,
Age: 69 years, Occu. Nil.

Nos. 4 to 9 R/o. Sangvi,
Taluka Shirpur, Dist. Dhule. ..Respondents

...

Mr. Amol S. Sawant, Advocate for Appellant.
Mr. S.V. Kulkarni, Advocate for Respondent No.3.

...

CORAM : P.R. BORA, J.
DATED : 18th SEPTEMBER, 2018.

ORAL JUDGMENT:-

. The present appeal is filed against the judgment and award passed by the Motor Accident Claims Tribunal, Dhule in Motor Accident Claim Petition No.538 of 1995 decided on 23.10.2001.

2. Heard Shri Amol Sawant, the learned counsel appearing for the appellant and Shri Sudhir Kulkarni, the learned counsel appearing for the respondent-Insurance Company.

3. The impugned award is challenged only to the extent of non-grant of interest by the Tribunal from the date of filing of the claim petition and granting it conditionally on failure of the insurance company to deposit the amount of compensation within six weeks from the date of the said order.

4. The learned counsel for the appellant submitted that similar issue was dealt with by this Court in First Appeal No.1005 of 2004. The learned counsel has tendered across the bar the copy of the

said judgment. Whereupon, the learned counsel for the insurance company submitted for passing appropriate orders.

5. I have perused the judgment delivered by this Court in First Appeal No. 1005 of 2004 with the connected appeals on 03.08.2017. In the said matters also the only question for determination before the Court was whether, the Tribunal has erred in not awarding the interest on the amount of compensation from the date of filing of the said petitions and awarding conditional interest on failure of the insurance company to deposit the amount within the period stipulated in the said awards. This Court has held the appellants in the said matters entitled for the interest on the amount of compensation from the date of filing of the claim petition till realization of the said amount. In the present matter also quite similar issue is raised and the facts are also similar. The learned counsel appearing for respondent no.3 has not brought on record any contrary decision.

6. In the forgoing circumstances, for the reasons recorded in First Appeal No.1005 of 2004

decided by this Court on 03.08.2017 with connected appeals, the present appeal deserves to be allowed. Hence, the following order:

ORDER

- i) The appellant in the present appeal i.e. claimant in Claim Petition No.538 of 1995 is held entitled to the interest at the rate of 9% p.a. on the amount of compensation as has been determined by the Tribunal from the date of filing of the claim petition, till the date the said amount was deposited by the Insurance Company.
- ii) The award be modified accordingly.
- iii) The Appeal stands allowed in the aforesaid terms.

(P.R. BORA, J.)