

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1482 OF 2013

Manisha Shivaji Lokhande and Ors.	 Appellants
V/s.	
Shivaji Baburao More and Ors.	 Respondents

Mr. Sachin Gite for the Appellants.

Mr. Jitendra P. Gor, I/by Ms. Kalpana R. Trivedi, for Respondent No.3.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 2ND NOVEMBER, 2018.

P.C. :

1. Heard Mr. Gite, learned counsel for the Appellants, and Mr. Gor, learned counsel for Respondent No.3.

2. This Appeal is preferred by the Original Claimants against the 'Judgment and Award' dated 21st January 2011 passed by the Motor Accident Claims Tribunal, Nashik, in Motor Accident Claims Petition No.417 of 2003, on the only ground that, the Tribunal has not awarded the interest from the date of the Claim Petition.

3. However, perusal of the 'Judgment and Award' passed by the Tribunal goes to show that, the Tribunal has given specific reasons as to

why it was not awarding the interest from the date of the Claim Petition, but from the date of 30th August 2010 and those reasons were that, Opponent No.3 – the Insurance Company had filed written statement on 12th May 2004 and, thereafter, for quite some time, the matter was pending for the Applicants-Claimants to take steps for service of notice on Opponent Nos.1 and 2. Ultimately, Opponent Nos.1 and 2 were proceeded ex-parte on 21st October 2008 and on the same day, the issues were framed. However, Applicant No.1-Claimant led her evidence on 30th August 2010. There were no circumstances to show that the Claim Petition was delayed on account of Opponent No.3 – the Insurance Company. In view thereof, the Tribunal has observed that, it would not be appropriate to burden Opponent No.3-Insurance Company to pay the interest from the date of filing of the Claim Petition.

4. Considering these reasons, no fault can be found in the 'Judgment and Award' passed by the Tribunal in not granting the interest from the date of filing of the Claim Petition. Hence, no interference is warranted in the impugned 'Judgment and Award'. The Appeal, therefore, being without merits, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]