

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAF) No.959 of 2016

In

First Appeal No.295 of 2003

[Pralhad Nilkanth Dandekar and others v. The Divisional Manager, United
India Insurance Company Ltd., Nagpur, and another]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri N.A. Vyawahare, Advocate for Applicants/Appellants.
Shri P.M. Kalar, Advocate for Non-Applicant/Respondent No.1.

Coram : R.K. Deshpande, J.

Date : 24th February, 2018

Heard the learned counsels appearing for the parties.

Shri Vyawahare, the learned counsel for the applicants/appellants, submits that the Motor Accident Claims Tribunal, Chandrapur had awarded interest at the rate of 9% per annum from 4-8-1998 till its realization, and this Court upon granting enhancement has not granted interest at the rate of 9% per annum on the enhanced amount. He further submits that the amount already received by the appellants will have to be deducted from the total amount due and payable.

There cannot be any dispute that the appellants were entitled to interest at the rate of 9% per annum even on the

enhanced amount of compensation, and due to inadvertence, it seems that the same was not incorporated in the award passed by this Court. Similarly, the amount received by the appellants has not been deducted from the total amount of compensation determined by this Court.

In view of above, the award dated 6-1-2016 passed by this Court in First Appeal No.295 of 2003 stands modified, and the appellants are held entitled for interest on the enhanced amount of compensation, at the rate of 9% per annum from 4-8-1998 till realization of the amount or its deposit in the Court. The respondents shall be entitled to deduct the amount already paid to the appellants from the total amount which has become due and payable as a result of the modification of the award passed by this Court on 6-1-2016, as also on this date.

The civil application stands disposed of in above terms.

JUDGE.

Lanjewar