

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

**REVIEW APPLICATION (CIVIL) NO.163 OF 2019
IN FA/1402/2012**

ARJUN NIVRUTTI SHELAR AND ORS .. Applicants
VERSUS
VIKRANT VASANTRAO KADAM AND ORS .. Respondents

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Advocate for Applicants : Shri H.U. Dhage
Advocate for Respondent No.3 : Shri A.S. Usmanpurkar

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**CORAM : P.R. BORA, J.
Dated: August 6, 2019**

PER COURT :-

1. Heard the learned counsel appearing for the parties.
 2. Shri Dhage the learned counsel for the applicants submits that, ordinarily, the interest has to be granted from the date of claim petition. The learned counsel submits that, this Court has awarded the interest on the enhanced amount of compensation from the date of filing of the appeal. The learned counsel, in the circumstances, prayed for reviewing the order.
 3. Shri Usmanpurkar the learned counsel appearing for the respondent – Insurance Company has opposed the request. According to the learned counsel, while granting the interest from the date of filing of the appeal, this Court has granted the same at the rate of 9% per annum, whereas the Tribunal had granted the interest
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at the rate of 7.5% per annum. The learned counsel, in the circumstances, prayed for rejecting the application.

4. It is true that, ordinarily, the interest is to be awarded from the date of filing of the claim petition. If the appeal filed by the claimant for enhancement in the amount of compensation is allowed and accordingly the amount of compensation is enhanced, unless there is some special reason the entitlement of the claimant to receive interest on such enhanced amount of compensation relates back to the date of filing of the petition. In the present matter, there is no such circumstance seems to be existing so as to deviate from the general practice of awarding the interest from the date of filing of the claim petition. The present application, therefore, deserves to be allowed. The order passed by this Court on 05.02.2019 in First Appeal No.1402 of 2012 is, thus, modified to the following extent:

ORDER

- (i) The interest on the enhanced amount of compensation is made payable from the date of claim petition, instead the date of filing of the appeal.
- (ii) The Award be modified accordingly.
- (iii) The review application stands allowed in the aforesaid terms.

(P.R. BORA, J.)