

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 17.05.2019

(i) FAO No. 151 of 2018 (O&M)

Jatinderpreet Singh

.....Appellant

Versus

Jaswant Singh @ Jassa and others

.....Respondents

(ii) FAO No. 153 of 2018 (O&M)

Jagroop Kaur and others

.....Appellants

Versus

Jaswant Singh @ Jassa and others

.....Respondents

(iii) FAO No. 160 of 2018 (O&M)

Dharamvir Singh

.....Appellant

Versus

Jaswant Singh @ Jassa and others

.....Respondents

(iv) FAO No. 946 of 2018 (O&M)

Dharamvir Singh and another

.....Appellants

Versus

Jaswant Singh @ Jassa and others

.....Respondents

(v) FAO No. 1475 of 2018 (O&M)

Dharamvir Singh and another

.....Appellants

Versus

Jaswant Singh @ Jassa and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate
for the appellants.

AVNEESH JHINGAN, J.(oral)

These are five appeals arising from MACT Case No. 23134/16220 of 2013, 23135/16221 of 2013, 23220/28282 of 2013, 23136 of 2013, 23219 of 2013, passed by Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as 'the Tribunal') against award dated 16.3.2016. As these arise from same accident and the facts are common, these are being decided by one order.

The facts relevant for adjudication of the present appeals are that Jatinderpreet Singh alongwith Gurpreet Singh, Sukhmanpreet Singh, Inderjit Kaur and Dharamvir Singh were travelling in a Bolero Sports utility vehicle (SUV) Car bearing registration No. PB-02-AT-8639 The vehicle was being driven by Dhramvir Singh. When they were coming from Majitha Road, a bus bearing registration No.RJ-31-PB-0030 (for short 'the offending vehicle') came from opposite side and hit the Bolero SUV. As a result of the impact, Gurpreet Singh, Sukhmanpreet Singh and Inderjit Kaur succumbed to the injuries whereas Jatinderpreet Singh and Dharamvir Singh sustained injuries. FIR was registered.

Five claim petitions were filed under Section 163-A of the Motor vehicles Act, 1988 (for short 'the Act') by the injured and legal heirs of the deceased. The Tribunal awarded following compensation alongwith interest at the rate of 8% per annum:

Sr. No.	MACT case No.	Under Section	deceased/injured	Amount awarded (₹)
1.	23219/2013	163-A	Injured- Jatinderpreet Singh @ Jatinder Singh	2,17,239/-
2.	23136 of 2013	163-A	Deceased- Gurpreet Singh	4,58,300/-
3.	23220/28282 of 2013	163-A	Injured- Dharamvir Singh	3,23,986/-
4.	23135/16221 of 2013	163-A	Deceased- Inderjit Kaur	6,21,500/-
5.	23134/16220 of 2013	163-A	Deceased- Sukhmanpreet Singh	5,00,000/-

The Tribunal in the claim proceedings opined that the accident occurred due to use of offending vehicle. Driver, owner and insurer of the offending vehicle were held jointly and severally liable to pay compensation.

The only issue raised by counsel for the appellants is that interest awarded at the rate of 8% is on lower side and needs to be enhanced. There is no challenge to the quantum of compensation.

The contention raised lacks merit.

The rate of interest to be awarded must be just and reasonable depending upon the facts and circumstances of each case and taking all relevant factors including inflation, change of economy, policy being adopted by the Reserve Bank of India from time to time, how long the case is pending into consideration. No rate of interest is fixed under Section 171 of the Act. Interest awarded is statutory in nature. There cannot be any hard and fast rule in awarding interest and the award of interest is solely on the discretion of the Tribunal or the High Court.

The accident is of the year 2013 and the award was passed in

2016. Considering the bank rate of interest prevalent in the bank, 8% interest awarded by the Tribunal is just and proper. No interference is called for in the award of the Tribunal.

The Supreme Court in National Insurance Company Ltd. V Mannat Johal and others, 2019(2) R.C.R. (Civil) 919, has held as under:

"13.The aforesaid features equally apply to the contentions urged on behalf of the claimants as regards the rate of interest. The Tribunal had awarded interest at the rate of 12% p.a. but the same had been too high a rate in comparison to what is ordinarily envisaged in these matters. The High Court, after making a substantial enhancement in the award amount, modified the interest component at a reasonable rate of 7.5% p.a. and we find no reason to allow the interest in this matter at any rate higher than that allowed by High Court."

The Supreme Court has upheld awarding of interest even at the rate of 7.5% whereas in the present cases 8% interest has been awarded.

The present appeals are dismissed.

Since the main appeals have been decided on merits, the question of limitation is kept open.

17.05.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No