

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 90 of 2021**

- Deepak Goyal S/o Shri Balram Goyal Aged About 37 Years
R/o- Saket Inclave, Mungeli Road, Back Side Of Patidar
Bhawan, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. Krisan Kumar Shriwas S/o Chandulal Shriwas, R/o Near
D.L.S. College, Ashok Nagar, Sarkanda, Thana- Sarkanda,
Tahsil And District- Bilaspur, Chhattisgarh. (Driver)
2. Shri Sresth Pathak S/o Shri Mithlesh Pathak, R/o In Front Of
Jain Mandir, Sarkanda Thana- Sarkanda, Tehsil- Bilaspur,
District- Bilaspur, Chhattisgarh. (Owner)
3. The Reliance General Insurance Company Limited Through
Branch Manager, Branch Office- Shop No. 412, 413, Fourth
Floor, Ravi Bhawan, Jai Stambh Chowk, Raipur, Tahsil And
District- Raipur, Chhattisgarh. (Insurance Company)

---- Respondents

For Petitioner	:-	Mr. Sanjay Agrawal, Advocate
For Respondent No.3	:-	Mr. Sourabh Sharma, Advocate

Proceedings through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Shri Parth Prateem Sahu, J

Order On Board By Parth Prateem Sahu, J**28/06/2021**

1. This is an application for review of the order dated 19.1.2021
passed in MAC No.837 of 2015.
2. The applicant (henceforth 'the review petitioner') filed this

review petition seeking review of the order dated 19.1.2021 on the ground that though in MAC No.837/2015 a specific ground has been raised that the Tribunal committed error by not granting interest from the date of filing of application for compensation but inadvertently while passing the order under review the interest has not been awarded.

3. Mr. Sourabh Sharma, learned counsel for the respondent No.3 would submit that in view of provisions contained under Section 171 of the Motor Vehicles Act, 1988 (*for brevity 'the Act, 1988'*) the interest part is directive in nature and hence in the review petition the interest could not be awarded.
4. We have heard learned counsel for the parties and perused the records.
5. In appeal, learned counsel for the appellant has specifically raised a ground that the Tribunal has not awarded interest from the date of filing of application for compensation. Award of interest under the Act, 1988 has been held to be awarded in ordinary course and if for any reason interest is not to be awarded then the reasons are to be assigned for the same. The Act under which compensation was claimed is a beneficial piece of legislation. Claimant become entitled for compensation after motor accident subject to proof of accident, injuries, etc. Section 171 of the Act, 1988 provides for award of interest. Word 'shall' is used for payment of interest in addition to the amount of compensation. From the terminology used under Section 171 of the Act, 1988

award of interest on compensation in the opinion of this Court has been made mandatory. Due to inadvertent mistake, this Court could not award interest on the amount of compensation

6. In **Kajal v Jagdish Chand and Others** reported in {2020 (4) SCC 413}, the Supreme Court categorically observed in para 31 that normally interest should be granted from the date of filing of the petition and if in appeal enhancement is made the interest should again be from the date of filing of the petition.
7. In view of the aforesaid, we allow this review petition and hold that the review petitioner is entitled for interest at the rate of 7% per annum on the awarded amount of compensation i.e., ₹12,54,120/- (Twelve Lakhs fifty four thousand one hundred and twenty) from the date of filing of the claim petition till the date of its realization.
8. Copy of this order shall also be made part of the record of the MAC No.837/ 2015.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Parth Prateem Sahu)
Judge