

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 101 of 2021

United India Insurance Company Limited Through The Divisional Manager, Rajendra Nagar Chowk, Bilaspur Chhattisgarh (Now Ist Floor, LIC Building, Magarpara Road, Bilaspur), Chhattisgarh

---- Petitioner

Versus

- 1.** Mus. Leelawati Kurre Wd/o Late Santosh Kurre, Aged About 25 Years R/o Village Kota, Tahsil Kota, District Bilaspur, Chhattisgarh
- 2.** Ku. Swati Kurre D/o Late Santosh Kurre, Aged About 4 Years, Minor, Through Her Natural Guardian i.e. The Appellant No. 1 (Mus. Leelawati Kurre), R/o Village Kota, Tahsil Kota, District Bilaspur Chhattisgarh
- 3.** Ayeera Kurre D/o Late Santosh Kurre, Aged About 1 Year, Minor, Through Her Natural Guardian i.e. The Appellant No. 1 (Mus. Leelawati Kurre), R/o Village Kota, Tahsil Kota, District Bilaspur Chhattisgarh
- 4.** Mohar Maniya W/o Shri Prem Sukh Kurre, Aged About 45 Years, R/o Village Kota, Tahsil Kota, District Bilaspur, Chhattisgarh
- 5.** Ashutosh Dubey S/o Shri Umendra Nath Dubey, Aged About 28 Years R/o Shivpur, Tahsil Surajpur, District Surguja, Now District Surajpur, Chhattisgarh. (Driver Of Motorcycle TVS Star City No. C.G. 15CA 0902)
- 6.** Upendranath Dubey R/o Shivpur, Tahsil Surajpur, District Surguja Now District Surajpur, Chhattisgarh. (Owner Of Motorcycle TVS Star City No. C.G. 15CA 0902)

----Respondents

For Appellant	:-	Mr. Dashrath Gupta, Advocate.
For Respondent	:-	Mr. Samir Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy
Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

(25.11.2021)

Per Parth Prateem Sahu, Judge

1. This review petition has been filed against the judgment dated 25.01.2021 passed in MAC No. 400/2015 whereby the appeal for enhancement of compensation was allowed and the compensation awarded by the Claims Tribunal was enhanced to Rs.19,67,890/- with interest @ 6% per annum from the date of accident till its realization.
2. Learned counsel for the petitioner submits that under the provisions of Section 171 of the Motor Vehicles Act, 1988, (hereinafter referred as “the Act of 1988”) the interest on the awarded amount is to be awarded from any date but not prior to the date of filing of the claim application. Hence, this part of the impugned judgment be modified and the interest awarded @ 6% be awarded from the date of filing of the claim application in stead of from the date of accident.
3. Mr. Samir Singh, advocate, who appeared in MAC No. 400/2015 for the appellant/claimants is present on advance copy on behalf of the respondents 1 to 4. He does not dispute the submission of the counsel for petitioner stating that submission of counsel for petitioner is legal.
4. We have heard learned counsel for the parties and also perused the provisions of Section 171 of the Act of 1988 which reads as under:

“171. Award of interest where any claim is allowed –
Where any Claims Tribunal allows a claim for compensation made under this Act, such Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

5. In view of the specific provisions under Section 171 of the Act of 1988 we are of the opinion that the interest awarded @ 6% per annum from the date of accident is error apparent on the face of record hence it is set aside. Now it is ordered that amount of compensation of Rs. 19,67,890/- shall carry interest @ 6% per annum from the date of filing of the claim application till its realization.
6. Accordingly, the said portion of the impugned judgment stands modified to the aforesaid extent and the other parts of the impugned judgment shall remain intact.
7. The Review petition is allowed in part in aforesaid terms.
8. Copy of this order shall also be made part of the record in MA(C) No. 400/2015

Sd/-

**(P. Sam Koshy)
JUDGE**

Sd/-

**(Parth Prateem Sahu)
JUDGE**