

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-8303-2017 (O&M)

Date of decision: 04.07.2022

Sukhjot Kaur and another

....Petitioners

Versus

The New India Assurance Company Ltd and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manoj Pundir, Advocate for the petitioners
 Mr. Amit Kumar Goyal, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

In an automobile accident, Late Shri Harchand Singh lost his precious life. The claimants filed a claim petition under Section 163 A of the Motor Vehicles Act, 1988, which was allowed on 13th November, 2000, by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the Tribunal'). The claimants were held entitled to Rs.2,95,590/- along with interest at the rate of 12% per annum from the date of filing of the petition, till its realisation. The insurance Company filed an appeal. During the pendency of the appeal, an amount of Rs.2,00,000/- was paid to the claimants. Ultimately, the appeal was allowed on the ground that the annual income of the deceased was more than Rs.40,000/- per annum. An application filed by the insurance Company for the restitution of the amount alongwith interest has been allowed. Admittedly, the original amount that is Rs.2,00,000/- has already been refunded. The only dispute which remains is that what should be the appropriate rate of interest. The amount has remained with the claimants for nearly 14 years. The Tribunal while relying upon a

judgment passed by the Supreme Court in a case arising from the land acquisition has ordered refund of the amount alongwith interest at the rate of 12% per annum. The present case is not a case arising from the land acquisition proceedings. The petitioner no.1 has lost her husband whereas petitioner no.2 has lost his father.

Keeping in view the aforesaid facts, the order passed by the Tribunal is modified. The claimants are directed to pay 6% interest for the period the amount has remained with them.

With all these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

04.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE