

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CR-4810-2019

Date of decision: 29.11.2022

ANGURI DEVI AND OTHERS

..Petitioners

Versus

VISHNU KUMAR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr. Tejinder Pal Singh, Advocate
for respondent No.3.

ANIL KSHETARPAL, J(Oral)

The claim petition filed by the petitioners under Section 166 of the Motor Vehicles Act, 1988, was allowed by the Motor Accident Claims Tribunal, Jagadhri (hereinafter referred to as the 'MACT') on 04.06.1993.

The operative part of the judgment reads as under:-

“As a result of foregoing discussion and findings, claim petition institution by Vishnu Kumar (MACT case No.14 of 90) fails and the same is hereby dismissed while claim petition (MACT No.80/90) Anguri Devi etc. Vs. Vishu Kumar, succeeds, and the same is accepted and the petitioners namely Smt. Anguri Devi, etc. mentioned above, are awarded compensation of Rs.1,44,000/- (Rs. One Lac Forty Four Thousand only) against the respondent No.1 and 2 who are jointly and severally liable to pay this amount of compensation inclusive of amount of interim compensation, if any already paid to the petitioner in this case alongwith future interest @ 12% p.a. From the date of petition, till realization. Costs assessed Rs.200/-, memo of costs be prepared. The file be consigned to record room.”

The petitioners filed FAO-48-1994, for the modification of the award passed by the MACT. The High Court enhanced the compensation vide judgment dated 04.03.2014. It was held that the amount in excess of

what has been already granted by the Tribunal shall attract interest at the rate of 7.5% per annum.

Now, the dispute is, “As to whether the observation made by the High Court amounts to the modification of the rate of interest on the amount of compensation awarded by the MACT or not?”

In view of the aforesaid, the question arises as to what the correct interpretation of the following observations made by the Court:-

“The total compensation payable shall be Rs.9,85,000/-. The amount in excess of what has already been granted by the Tribunal shall attract interest at the rate of 7.5% per annum. The amount shall be distributed equally amongst all the claimants.”

On a plain and literal reading of the order, it is evident that the High Court had held that the claimants shall be entitled to the amount from what has already granted by the tribunal along with the interest at the rate of 7.5% per annum. The award passed by the Tribunal to the effect that the claimants shall be entitled to the amount along with the interest at the rate of 12% per annum was left as it is.

Thus, the Executing Court has erred in observing that the award passed by the MACT stands merged with the judgment of the High Court. Once the High Court has specifically observed that the rate of interest granted by the High Court is restricted to the enhanced amount, there is no further scope for any confusion or debate.

Keeping in view the aforesaid facts, it is declared that qua the amount awarded by the Tribunal, the petitioner shall be entitled to the amount along with the interest as ordered by the Tribunal, whereas, qua the enhanced amount, the petitioner shall be entitled to the interest as per the

judgment passed by the High Court i.e. 7.5% per annum.

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

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

November 29th, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No