

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 868 OF 2004**

1 Savita Sakharam Gawade	)	
2 Sachin Sakharam Gawade	)	
3 Roshni Sakharam Gawade	)	
All R/@ Sadanand Chawl, R/No.14,	)	
New Mill Road, Ramdas Chowk,	)	
Kurla W, Mumbai 400 070.	)	...Appellants (Orig. Applicants)

Versus

1 Sanjay B Danti	)	
B- Datta Niwas, Tilak Nagar,	)	
Aare Road, Goregaon East,	)	(Orig. Opp. Party)
Mumbai – 400 063.	)	
2 United India Insurance Co. Ltd.	)	
Stadium Housing, Churchgate,	)	(Orig. Insurer)
Mumbai – 400 020.	)	...Respondents

Ms. Kiran Yadav i/b. Mr. A. M. Gokhale, Advocate for the Appellant.
Ms. Varsha Chavan, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19TH APRIL, 2023.

Oral Judgment :

1. The issue involved in this appeal is award of interest from the date of award-order.
2. It is the contention of learned counsel for the appellants/claimants that the Tribunal has awarded compensation of Rs.12,63,000/-, while awarding compensation, the Tribunal has awarded rate of interest from the date of award, it should be from the date of filing claim petition. Hence, requested to allow the appeal.
3. It is contention of learned counsel for respondent No.2- Insurance Company that while passing the order, the Tribunal has observed that there were eight claim petitions arising out of the same accident. Out of those claim petitions, seven claim petitions were settled and only the present petition was pending and, on that count, the Tribunal might have awarded interest from the date of award. Learned counsel further submits that it is the discretion of the Tribunal to grant interest either from filing claim petition or from the date of award, so no interference is required in it.

4. I have heard both learned counsel, perused the judgment and order passed by the Motor Accident Claims Tribunal, Mumbai (for short “the Tribunal”). While passing the order, the Tribunal has observed that the claimants are entitled for compensation along with interest @ 9% per annum from the date of award-order till the amount is realised. No reasons are given by the Tribunal why the Tribunal came to conclusion to give interest on compensation amount from the date of award. In my view Section 171 of the Motor Vehicles Act, 1988 states about award of interest where any claim is allowed. It reads thus :

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.”

This section empowers the Tribunal to grant interest. In my view, after the accident when the claim petition was filed by the claimants for getting compensation from that date, the claimants are

entitled for getting interest on the compensation amount, unless it is shown that there was delay in the trial due to the claimants.

5. In view of the above, I pass following order :

ORDER

1. The appeal is allowed.
 2. The claimants are entitled for interest awarded by the Tribunal from the date of filing of claim petition till realisation of the amount.
6. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)