IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.2683 of 2018 (O&M)
Date of Order:14.11.2023

Sukhwinder Kaur .**Petitioner**

Versus

National Insurance Company Limited and others ..**Respondents**

C.R. No.2684 of 2018 (O&M)

Balbir Kaur .**Petitioner**

Versus

National Insurance Company Limited and others ..**Respondents**

C.R. No.2954 of 2018 (O&M)

Luxmi .**Petitioner**

Versus

Gurmail Singh and others ..**Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioner(s) (in all cases)

Mr. Rajesh Verma, Advocate
for respondent no.1(in CR-2683 and 2684 of 2018)
for respondent no.4 (in CR-2954 of 2018)

ANIL KSHETARPAL, J

1. The only dispute in these three revision petitions is with regard to entitlement of the claimants to the amount of interest as per the judgment passed by the High Court on 08.02.2016.

2. The three connected appeals were filed to challenge the correctness of assessment of compensation ordered by the Motor Accident Claims Tribunal. All the three appeals were disposed of while directing the

Insurance Company to pay the enhanced compensation (approximately Rs.5,50,000/-) over and above the amount awarded by the Motor Accident Claims Tribunal. It was observed that the enhanced amount shall be payable within a period of 45 days from the date of receipt of a certified copy of the judgment, failing which, the claimants shall be entitled to interest @ 7.5% per annum, from the date of filing the present appeal till its realization.

3. The appeals filed in the year 2012, were decided in February, 2016. The enhanced amount has been paid to all the claimants on 19.05.2016, in all the three cases. Thus, the only issue that arises for adjudication is with regard to the entitlement of the claimants to the amount of interest.

4. In Civil Revision No.2684 of 2018, it has come on record that the learned counsel representing the Insurance Company applied for the certified copy on 10.02.2016, which was ready for delivery on 31.03.2016, however the representative of the Insurance Company received the same on 04.04.2016. The payment was made by the Insurance Company on 19.05.2016. In other two connected revision petitions, the Insurance Company is stated to have downloaded the judgment of the Court from the website. The Executing Court has held that as per the judgment of the High Court, the period of 45 days is to be calculated from the date of receipt of the certified copy of the judgment. Thus, the applications have been dismissed.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper books.

6. On the one hand, the learned counsel representing the petitioner(s) contends that the certified copy of the judgment was ready for

delivery on 31.03.2016 and further delay, if any, is not attributable to the Court. He submits that the copy should have been collected immediately by the learned counsel representing the Insurance Company and the petitioner(s) should not be deprived of the interest.

7. On the other hand, the learned counsel representing the Insurance Company submits that the expression "receipt of the certified copy of the judgment" is with reference to the actual delivery of the certified copy and therefore, the amount has been paid within the period prescribed.

8. This Court has considered the submissions of the learned counsel representing the parties.

9. The petitioner(s) herein in all the three cases have lost the member of their family in a motor vehicular accident. The provision for grant of compensation in the Motor Vehicle Act is a beneficial piece of legislation for the claimants. The amount of interest is awarded in order to take care of the rate of inflation as well as the delay made in the payment of the amount of compensation. The amount of compensation is assessed on the date the accident takes place. Technically there is some substance in the argument of the learned counsel representing the Insurance Company, however, the Court is required to balance the equities. The amount of compensation which was payable on the date of the accident has been paid after a substantial delay. Even the first appeal filed by the claimants (petitioners in all the cases) remained pending for a period of four years.

10. Keeping in view the aforesaid facts and discussion, this court is of the view that the interest of justice shall be served if the Insurance Company is directed to pay 6% per annum interest from the date of filing of

the petition till payment in order to close these cases.

11. With these observations, all the revision petitions are disposed of.

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

November 14, 2023 **(ANIL KSHETARPAL)**
nt **JUDGE**

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO