

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

FIRST APPEAL NO. 1428 OF 2003

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1. Zobrabi Mohamed Ayub Faridi,)
Aged about 30 years.)

2. Sarfaraz Ayub Faridi)
Aged about 7 years.)

3. Farhad Ayub Faridi)
Aged about 5 years.)

4. Shahnawaz Ayub Faridi)
Aged about 1 years.)

5. Dularunniss Masudalli Faridi,)
aged about 55 years.)

All are residing at Room No. 57,)
S. Pratap Nagar, Rafi Ahmad Road,)
Kidwai Nagar, Wadala,)
Mumbai-400 031.)
....Appellants

Versus

1. Shri. Jitendra Shrilal Oza,)
Building No. 31/11, Jawahar Nagar)
S. V. Road, Goregaon (west),)
Mumbai. (Owners))....Opp. Party

2. The Oriental Insurance Co. Ltd.)
7, Jamshedji Tata Road, Churchgate,)
Mumbai - 400 020.)....Insurer
....Respondents

Mr. T. J. Mendon, Advocate for the Appellant.
Ms. Poonam Mital, Advocate for the Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2024.

Oral Judgment. :

1. The issue involved in this appeal is interest period on compensation amount.
2. It is contention of learned counsel for the Appellants/Claimants that the Tribunal has awarded interest on compensation amount from the date of award i.e. 16th October, 2002, it should be from 1st January, 1994 as respondent served in January, 1993.
3. Learned counsel for the Respondent No.2/Insurance Company submits that the Tribunal has passed reasoned order and no interference is required in it.
4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal, Mumbai (for short "the Tribunal").

5. While passing the order the Tribunal has awarded compensation along with accrued interest from the date of award, till realisation of the amount. The notices of claim petition was served on respondent in January, 1994 hence, the claimants are entitled for interest on compensation amount from 1st January, 1994.

6. In view of above, I pass following order;

ORDER

i. Appeal is allowed.

ii. The Claimants are entitled for interest on compensation amount from 1st January, 1994 till realisation of the amount.

iii. Appeal is disposed of.

7. Learned counsel Ms. Poonam Mital undertakes to file Vakalatnama on behalf of the Respondent No.2.

8. All pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)