

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

**INTERIM APPLICATION NO. 19780 OF 2022
IN
CROSS OBJECTION (ST) NO. 10082 OF 2017
IN
FIRST APPEAL NO. 118 OF 2017**

Mrs. Ishwari Thanwarmal BajajApplicant

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd.Appellant

Versus

Mrs. Ishwari Thanwarmal Bajaj & Ors.Respondents

Mr. Devendranath S. Joshi, Advocate for the Applicant.

Ms. Varsha Chavan, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st FEBRUARY, 2024.

P.C. :

1. By this application Applicant is seeking the clarification of the order passed by this Court (Coram: Bharti Dangre, J) by order dated 2nd May, 2022.

2. Learned counsel for the Applicant submitted that this Court

has allowed the cross objection filed by the the Claimant and has enhanced compensation amount. This Court has observed that “the aforesaid enhanced compensation shall be deposited by the Insurance Company before the Tribunal within a period eight (8) weeks from today, and the Tribunal shall permit the Claimant to appropriate the same.

Failure to deposit the enhanced amount the aforesaid period, shall entitled the Claimant to an interest of 7.5% till it's realisation”.

3. Learned counsel further submitted that the period from which the Claimants are entitled for interest on enhanced amount is not mentioned in the said order. In my view, it is settled principle of law that Claimants are entitled interest on compensation amount from the date of filing of claim petition hence, the Claimants are entitled @ 7.5% interest on enhanced amount from the date of filing claim petition till realisation of the amount.

4. Learned counsel for the Respondent submits that the tribunal has directed to invest the some amount in the name of

Claimant. She has become more than 70 years old so, the Claimant is required the said amount for her daily expenses. In my view, the Claimant can file appropriate application before the tribunal in that regard. The tribunal shall decide it on its own merit .

5. Liberty to file application, if any, clarification is required.
6. Application is disposed of.

(SHIVKUMAR DIGE, J.)