

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1224 OF 2023

United India Insurance Co. Ltd.
 Bharti Bhawan, 5th Floor, Lalbahadur Shastri
 Road, Pune.
 Through it's Regional Manager,
 United India Insurance Co. Ltd.,
 Mumbai Regional Office-II, T.P.Hub, 4th Floor,
 Union Co-op. Insurance Bldg., Sir P.M.Road,
 Fort, Mumbai – 400 001.

... Appellant

Versus

- 1 Urmila Shivramsingh Sajwan
Age : 28 Years, Occ : Housewife
- 2 Shikha Shivramsingh Sajwan
Age : 11 Years, Occ : Education
- 3 Shiksha Shivramsingh Sajwan
Age : 7 Years, Occ : Education
- 4 Anjali Shivramsingh Sajwan
Age : 7 Years, Occ : Education
- 5 Anuj Shivramsingh Sajwan
Age : Major, Occ : Business
 Resp. No. 1 to 5 all R/o: Flat No.1034,
 R, Building, Sankalp Co-op. Hsg. Society Ltd.,
 Sant Dnyaneshwar Nagar (MHADA), Morwadi,
 Pimpri, Pune – 411018
 Resp. No.2 to 5 being minor, through their N.G.
 Mother the Resp. No.1
- 6 Dharamnath Kacharu Mane
Age : 25 Years, Occ : Driver
 A/p. Baburdi Ghomat, Tal & Dist : Ahmednagar
- 7 Machindra Tukaram Pagire
Age : Major, Occ : Business
 A/P : Khandala, Tal : Nagar, Dist : Ahmednagar

Respondents
 (No. 1 to 5 Ori.
 ... Claimants)

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Mr. Amol A. Gatne, Advocate for the Appellant.

Mr. Yogesh Pande i/b. A.A.Bhaskarrao, Advocate for Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd MARCH, 2024.

ORAL JUDGMENT :

1. The issue involved in this appeal is deduction of interest period.
2. It is contention of learned counsel for appellant/Insurance Company that the Tribunal has disposed of five claim petitions arising out of same accident. In the said four claim petitions, the Tribunal has not awarded interest for delayed period but only in this matter the Tribunal has awarded interest period from the date of filing claim petition which is erroneous. Hence, requested to allow the appeal.
3. Learned counsel for respondents/claimants strongly objected to allow the appeal and submitted that while passing the Judgment and Order the Tribunal has considered all the aspects and no interference is required in it.
4. I have heard both the learned counsel. Perused the Judgment and Order passed by the Motor Accident Claims Tribunal, Pune (for short "**the Tribunal**"). In connected five claim petitions, out of same accident while passing Judgment and Order the Tribunal has observed in operative part paragraph No.2 that Opponent Nos. 1 to 3 shall jointly or severally pay a sum of Rs.24,62,300/- (Rs. Twenty Four lacks Sixtry Two Thousand Three Hundred) to the applicants along with interest @7.5% p.a. for last

five years from the date of Judgment and Order. But in the claim petition challenged in the present Appeal it has been not mentioned. In my view, the Tribunal cannot pass separate order about interest in claim petitions which are out of the same accident and which were dismissed for default on similar date. In view of the above, I pass following order:

ORDER

- (i) The appeal is allowed.
- (ii) The claimants are entitled for interest period on the compensation amount as fixed by the Tribunal for last five years from the date of Judgment and Order passed by the Tribunal.
- (iii) The claimants are permitted to withdraw the compensation amount along with proportionate rate of interest.
- (iv) The appellant is permitted to withdraw the excess interest amount.
- (v) The statutory amount along with interest be transferred to the Tribunal. Parties are at liberty to withdraw it as per rules.

5. The appeal is disposed of.

(SHIVKUMAR DIGE, J.)