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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 103/2024**

RAMA DEVI & ORS.

..... Appellants

Through: Mr. Braj Kishore Dey and Ms.
D. Sharma and Mr. Tarun
Sharma, Advs.

versus

SHER MUHAMMAD & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

01.03.2024

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CM APPL. 9238/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 9237/2024 (delay in filing) & CM APPL. 9239/2024 (delay in re-filing)

3. These are the applications filed by the applicants/appellants seeking condonation of delay of 239 days in filing and 27 days in re-filing the present appeal.
4. For the reasons stated in the applications and in the interest of justice, the same are allowed. Delay in filing and re-filing the appeal is condoned.
5. The applications stand disposed of.



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6. Appellants/Claimants, who are the widow, two minor children and parents of the deceased, have instituted the present appeal under Section 173 of the Motor Vehicles Act, 1988, assailing the impugned judgment-cum-award dated 18.11.2022 on a limited ground of the learned Tribunal providing for the interest at a meagre rate of 6% p.a. on the compensation awarded.
7. None is present for the respondent No.3/Insurance Company, despite advance notice.
8. A bare perusal of the impugned judgment-cum-award as also the record would show that one Ramesh Chand met an untimely death in a motor accident that occurred on 12.02.2017 involving the offending vehicle bearing No.UP-84C-9627, which was evidently insured with respondent No.3/Insurance Company.
9. Learned counsel appearing for the appellants has urged that the appellants/claimants have no grievance as regards the quantum of compensation except that interest, which as per established practice and norms is fixed @ 9% p.a. has been given @ 6% p.a. only. The claim petition was filed on 22.04.2022. There was no inordinate delay on the part of the appellants/claimants in filing the claim petition. There is nothing to indicate that the appellants/claimants were responsible in any manner for delaying the Trial or the outcome of the claim petition. The learned Tribunal has not assigned any reason as to why a meagre rate of interest 6 % has been awarded on the compensation. In a situation where the real value of the money is declining every year, the impugned decision with regard to the interest is not fathomable.



10. Having regard to the broad facts and circumstances of the instant matter, it would be reasonable that interest should be reckoned @ 9% p.a. on the amount of compensation awarded from the date of filing of the petition till realisation.

11. Accordingly, the present appeal is allowed and the impugned judgment-cum-award dated 18.11.2022 is modified thereby directing that the amount of compensation shall carry on with interest @ 9% p.a. from the date of filing the petition till realisation. The said amount be deposited with the learned Tribunal, if not already deposited, within four weeks from today failing which, the respondent No.3/Insurance Company shall be liable to pay penal interest @ 12% p.a. from the expiry of four weeks till realisation.

12. With the aforesaid, the petition stands disposed of.

13. A copy of this order be sent to learned Tribunal for information and necessary compliance.

DHARMESH SHARMA, J.

MARCH 1, 2024/ck