

Sh. Samiullah Khan and anr. Vs. Krishan Kumar and ors.

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Court : Delhi

Decided On : Apr-01-2002

Reported in : II(2002)ACC217; 2003ACJ1744

Judge : R.C. Chopra, J.

Acts : [Motor Vehicles Act, 1939](#) - Sections 110-A

Appeal No. : FAO No. 92/88

Appellant : Sh. Samiullah Khan and anr.

Respondent : Krishan Kumar and ors.

Advocate for Def. : Nemo

Advocate for Pet/Ap. : Nem

Disposition : Appeal partly allowed

Judgement :

R.C. Chopra, J.

1. The appellants are the unfortunate parents of the deceased who died in a road accident at the age of about 17 years. The appellants filed a petition under Section 110-A of the [Motor Vehicles Act, 1939](#) claiming compensation of Rs. 50,000/-. Learned Motor Accident Claims Tribunal in S.No. 208 of 1978 passed an award of

Rs. 40,800/- in their favor. The Tribunal upheld the plea of the appellants that the deceased was rendering services to them, the value of which was Rs. 200 per month. He applied a multiplier of 17 to the multiplicand of Rs. 2400/- per month. However, the learned Tribunal awarded interest @ 12 per cent per annum from the date of orders till realisation only. He did not award any interest on the awarded amount from the date of the filing of the petition till the date of the award.

2. None appeared for the parties. I have gone through the Trial Court records and the impugned order passed by the learned Tribunal.

3. The appellants themselves had pleaded that the monthly value of the services being rendered to them by the deceased was Rs. 200/- per month which averment was accepted by the Tribunal and made the basis for computing compensation in their favor. The multiplier of 17 as applied by the learned Tribunal was also justified in view of the young age of the deceased and as such calls for no interference by this Court. Thus, this Court is of the considered view that the assessment of compensation at the sum of Rs. 40,800/- was fully justified and warranted and calls for no interference by this Court.

4. However, this Court fails to understand as to why and for what reason the learned Tribunal had not awarded any interest to the appellants from the date of the filing of the petition till the date of the passing of the award. The impugned order passed by the learned Tribunal is silent on this aspect of the matter. No good grounds are found on record for declining payment of interest to the applicants from the date of the filing of the petition. Coming to the question of rate of interest the Court has no hesitation in holding that in eighties the usual rate of interest was 12% per annum. For that reason only the Tribunal had also awarded future interest at the rate of 12% per annum. thereforee, this Court is of the considered view that the Tribunal ought to have awarded interest @ 12 per cent per annum on the awarded amount from the date of filing of the petitioner till the date of the award also.

5. The appeal is, thereforee partly allowed and it is ordered that the appellants shall be paid interest @ 12 per cent per annum on the awarded amount of Rs. 40,800/- from the date of the filling of the petition till the date of the award within

two months of the passing of this order. In case the insurer respondent No. 2 does not pay the aforesaid amount within two months it shall be liable to pay future interest also on the said amount @ 9 per cent per annum from the date of this order till realisation which is the current ordinary rate of interest.

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