

Kamla and ors. Vs. Rajasthan State Road Trans. Corpn.

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Court : Rajasthan

Decided On : Aug-08-1991

Reported in : 1993ACJ958

Judge : D.L. Mehta and; N.C. Kochhar, JJ.

Appeal No. : D.B. Civil Special Appeal No. 18 of 1991

Appellant : Kamla and ors.

Respondent : Rajasthan State Road Trans. Corpn.

Advocate for Def. : K.N. Shrimal, Adv.

Advocate for Pet/Ap. : G.C. Mathur, Adv.

Disposition : Appeal dismissed

Judgement :

D.L. Mehta and N.C. Kochhar, JJ.

1. On 9.11.1989, Harinarain, who was the husband of the appellant No. 1 and father of appellant Nos. 2 to 4, while going on a motor cycle met with an accident with a bus owned by the Rajasthan State Road Transport Corporation. The appellants filed a claim claiming compensation from the respondent Corporation before the Motor Accidents Claims Tribunal, Tonk, who vide order dated 13th of

July, 1990, passed under Section 140 of the Motor Vehicles Act, 1988 (the Act), directed the respondent to pay to the appellants a sum of Rs. 25,000/- as the amount of no fault liability with a direction that if the amount was not paid within a period of two months from the date of the order, the respondent would be liable to pay interest at the rate of 9 per cent per annum on the abovesaid amount. The appellants filed a civil misc. appeal contending that the Tribunal ought to have granted interest at the rate of 12 per cent per annum from the date of filing of the claim. The contentions raised in this regard were rejected by the learned single Judge who observed that there is no provision under the Act to grant interest on the interim award which has to be passed without determining the fault of the respondent and that it is only with a view to enforce the order of payment of interim award that the court can grant interest. Feeling aggrieved, the appellants have approached this court by filing this special appeal under Section 18 of the Rajasthan High Court Ordinance.

2. We have heard the learned counsel for the parties and have also perused the impugned judgment.

3. The only contention raised by Mr. G.C. Mathur, the learned counsel for the appellants, is that Section 171 of the Act empowers the court to grant interest on any claim allowed under the Act and, as such, the learned single Judge erred in holding that no provision is made under the Act for grant of interest on the interim award. Section 171 of the Act reads as under:

171. Award of interest where any claim is allowed-Where any Claims Tribunal allows a claim for compensation made under this Act, such Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

4. A bare reading of the abovesaid provision shows that the interest can be awarded on any claim allowed by Motor Accidents Claims Tribunal. It is not disputed before us that while directing the respondent to pay a sum of Rs. 25,000/- as the amount of statutory liability the Tribunal has allowed the claim of the appellants in this respect under the Act and that as such Section 171 of the Act

would be applicable to such claim also and interest can be granted by the Tribunal on such amount as well.

5. Motor Vehicles Act, particularly Section 171, is a beneficial legislation and it should be interpreted for the benefit of the claimants. The provision has been inserted with a view that the owners of the vehicles or the insurance companies may not put false and frivolous contentions before the Tribunal. It is expected from them that they would come forward immediately on the first date of hearing with a cheque or an offer that they are ready to make the payment of Rs. 25,000/- as provided under Section 140 of the Act. If delaying tactics are adopted or if the amount is not offered forthwith, naturally, it will be the duty of the Tribunal to take a serious note of it and to award interest to curb the delaying tactics of payments provided under Section 171 of the Act.

6. No irregularity having been pointed out in the judicial discretion exercised by the Tribunal, we find no ground for interference with the judgment passed by the learned single Judge. The special appeal is, therefore, dismissed in limine.