

Ayush Kumar Bilala and ors. Vs. Himmat Singh and anr.

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SooperKanoon Citation : sooperkanoon.com/770866

Court : Rajasthan

Decided On : Nov-30-2005

Reported in : I(2006)ACC522; 2007ACJ462

Judge : N.K. Jain, J.

Appellant : Ayush Kumar Bilala and ors.

Respondent : Himmat Singh and anr.

Disposition : Appeal allowed

Judgement :

N.K. Jain, J.

1. Heard learned counsel for the parties. The claimants-appellants have filed this appeal against the judgment/ award dated 17.6.1997 passed by learned Motor Accidents Claims Tribunal, Jaipur City, Jaipur in M.A.C.T. Case No. 71 of 1996, whereby Claims Tribunal passed an award for a sum of Rs. 3,74,940 in favour of the appellants.

2. The only contention raised on behalf of the appellants is that while passing the award of compensation, it was the duty of the Tribunal to award interest thereupon but the Tribunal failed to award the interest on the amount of compensation and no reason whatsoever has been assigned for the same. Therefore, the respondents

be directed to pay interest on the amount of compensation also.

3. The present application for compensation was filed under Section 163A of the Motor Vehicles Act wherein special provisions are described about the payment of compensation as indicated in the Second Schedule. Section 171 of the Motor Vehicles Act, 1988, specifically authorises the Tribunal that as and when claim is allowed by the Tribunal, then it 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. The word used in Section 171 of the Act is 'may' and not 'shall'. So, Tribunal in exercise of its discretion may award interest on the amount of compensation from the date of claim petition. Since Claims Tribunal normally awards interest from the date of filing of the petition, then as and when interest is not awarded, then reasons are required to be recorded for not awarding the interest. In the present case, the Tribunal has not recorded any reasons for not awarding interest. I do not find any reason for not awarding interest in the facts and circumstances of the present case.

4. Consequently, this appeal is allowed and it is held that the appellants will be entitled to receive interest on the amount of compensation of Rs. 3,74,940 at the rate of 9 per cent per annum from the date of filing of claim petition, i.e., on 5.12.1995 till the date of actual payment/deposit of the amount of compensation. No order as to costs.