

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2869 OF 2000

NATIONAL INSURANCE COMPANY LTD.

Appellant (s)

VERSUS

VIJAY KUMAR JINDAL

Respondent(s)

(With prayer for interim relief)

Date: 03/05/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mr. Jitendra Sharma, Sr. Adv.

Ms. Minakshi Vij, Adv.

Mr. P.N. Jha, Adv.

For Respondent(s) Mr. P.N. Puri, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Appeal is allowed in terms of the signed order.

No order as to costs.

Bhatia)

(K.K. Chawla)

(Radha R.

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Court Master

Court M

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2869 OF 2000

NATIONAL INSURANCE COMPANY LTD.

APPELLANTS

VERSUS

VIJAY KUMAR JINDAL

RESPONDENT

O R D E R

After hearing the learned counsel on both sides, it appears to us that this Appeal revolves around the question as to from what date the interest awarded by the Consumer Disputes Redressal Commission, Union Territory, Chandigarh should have been awarded.

The accident took place on 4.8.1997 and the vehicle was a total loss. The

Appellant-Insurance company assessed the total loss at Rs.4,00,000/-. Not being satisfied,

the Respondent moved the Consumer Disputes Redressal Commission, Union Territory,

Chandigarh alleging deficiency of service. During the pendency of the application, on

13.1.1999, the Insurance Company paid an amount of Rs.4,00,000/- but disputed its liability

to pay any more. The Consumer Disputes Redressal Commission, Union Territory,

Chandigarh assessed the total amount payable at Rs.4,90,000/- and held that since

Rs.4,00,000/- had already been paid to the complainant during the pendency of the

complaint, the balance amount of Rs.90,000/- together with interest at the rate of 12% per annum on the entire sum of Rs.4,90,000/- shall be payable from the date of institution of the complaint till realisation.

An Appeal carried to the National Consumer Disputes Redressal Commission was summarily dismissed. The Insurance Company is in Appeal before us.

Having seen the order passed by the Consumer Disputes Redressal Commission, Union Territory, Chandigarh and heard the learned counsel, it appears to us that the order as such is correct, but the wording thereof is likely to create a little confusion. Hence, there is need for clarification.

We direct that the order shall stand modified as under:-

The total amount of compensation payable to the Respondent is assessed at

Rs.4,90,000/-. Interest shall be payable on the amount of Rs.4,90,000/- from the date of

institution of the complaint till the date of payment at the rate of 12% per annum. Since

the amount of Rs.4,00,000/- was already paid on 13th January, 1999, there is no question of

payment of interest from the said date onwards on the amount of Rs.4,00,000/-, but the

interest shall be payable thereupon from the date of the institution of the complaint to 13th

January, 1999. With this modification, the Appeal is allowed to the aforesaid extent. Rest

of the impugned Order is affirmed.

No order as to costs.

.....J

(B.N. Srikrishna)

.....J

(R.V. Raveendran)

New Delhi;

May 03, 2006.