

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). 5882 OF 1999

M/S.ORIENTAL INSURANCE CO.LTD.

Appellant (s)

VERSUS

RAM NATH

Respondent(s)

(With office report )

Date: 13/04/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. S.M. Suri, Adv.

Mr. M.K. Dua, Adv.

For Respondent(s)

Mr. C.L. Raina, Adv.

Mr. Girdhar G Upadhyay, Adv.

Mr. Awadhesh Kr. Singh, Adv.

Mr. R.D. Upadhyay, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is disposed of in terms of the signed order. No costs.

[ Charanjeet Kaur ]

Court Master

[ Om Prakash ]

Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5882 OF 1999

M/s Oriental Insurance Co. Ltd.	..	Appellant(s)
	Versus	
Ram Nath	..	Respondent(s)

O R D E R

Heard learned counsel for the parties.

In the facts and circumstances of the case, we are not inclined to go into the merits of this appeal so far as the quantum of compensation is concerned. So far as the payment of sum of Rs. 50,000/- to the claimant is concerned, it appears that the said sum was awarded by the State Commission. Though the same was challenged in the grounds of appeal filed before the National Forum but during the course of arguments, the point was not pressed. This being the position, we do not permit the appellant to raise this question before this Court.

So far as the award of interest is concerned, in our view, the High Court was not justified in awarding interest at the rate of 18 per cent. Accordingly, we reduce the interest from 18 per cent to 12 per cent. The respondent is directed

to refund the excess amount withdrawn by him within two months from today.

The appeal is, accordingly, disposed of. No costs.

.....J[ B.N. AGRAWAL ]

.....J [ H.K. SEMA ]

NEW DELHI,

APRIL 13, 2005.