

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5272 OF 2012
(Arising from SLP(C) No.12057/2012)

Basanti Lal and others ..Appellants

versus

Rajendra Singh and others ..Respodnents

O R D E R

On the oral request made by learned counsel for the petitioners, the name of respondent nos. 1 and 2 are deleted from the array of parties.

Leave granted.

The only question which arises for consideration in this appeal is whether the learned Single Judge of the Rajasthan High Court was justified in denying interest to the claimants-appellants on the enhanced amount of compensation only on the ground that the appeal filed by them remained pending before the High Court for a period of 16 years.

We have heard learned counsel for the parties.

In our view, the solitary reason assigned by the learned Judge for denying interest to the appellants is ex facie unsustainable, legally and otherwise. Once, the learned Judge came to the conclusion that the appellants are entitled to enhanced compensation, there could be no justification to deny them their legitimate right to get interest. The delay in disposal of the appeal was certainly not attributable to the appellants. In was an institutional failure and for that the appellants cannot be penalised by denial of interest.

With the above observations, the appeal is allowed, the impugned judgment is set aside to the extent it results in denial of interest to the appellants on the enhanced amount of compensation. The insurance company-respondent no.3 is directed to pay interest on the enhanced amount of compensation at the rate of twelve per cent with effect from the date of filing the claim petition till the date of actual payment.

The amount payable in terms of this order shall be paid to the claimants within a period of two months by getting prepared a demand draft in the name of appellant no.1.

.....J.
[G.S. SINGHVI]

NEW DELHI;J.
JULY 17, 2012 [SUDHANSU JYOTI MUKHOPADHAYA]

ITEM NO.10 COURT NO.5 SECTION XV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).12057/2012

(From the judgement and order dated 08/12/2011 in SBCMA No.755/1995 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

BASANTI LAL & ORS. Petitioner(s)

VERSUS

RAJENDRA SINGH & ORS.

Respondent(s)

Date: 17/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Ram Niwas, Adv.

For Respondent(s) Mr. S.L. Gupta, Adv.
Mr. M.S. Mangla, Adv.
Mr. Neeraj Srivastava, Adv.

UPON hearing counsel the Court made the following
O R D E R

On the oral request made by learned counsel for the petitioners, the name of respondent nos. 1 and 2 are deleted from the array of parties subject to the petitioners' risk and costs.

Leave granted.

The appeal is allowed in terms of the signed order.

| (Parveen Kr.Chawla)
| Court Master
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| (Phoolan Wati Arora)
| Court Master
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[signed order is placed on the file]