

SLP(C)No. 11202 OF 2000

ITEM No.21

Court No. 4

SECTION XVIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.11202/2000

(From the judgement and order dated 03/04/2000 in CMP 41/97
in AA 162/97 of The HIGH COURT OF J & K AT JAMMU)

UNITED INDIA INSURANCE CO. LTD.

Petitioner (s)

VERSUS

KUNDAN LAL MAHALDAR

Respondent (s)

(With prayer for interim relief)

Date : 12/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Mr. M.K. Dua,Adv.

For Respondent (s)

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

.....L.....I.....J
.SP2

Though notice has been duly served, but no one has entered appearance.

The Arbitrator has awarded interest @ 18% P.A. from 15.09.1992 till the awarded amount is paid. This obviously was beyond the jurisdiction of the Arbitrator as he could have allowed interest only till the order is made a rule of the Court and a decree is passed thereon, because subsequently it is only the Court's power to grant interest any further. In

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view of the judgment of this Court in United India Insurance@@
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Co. Ltd. v. M.K.J. Corporation [(1996) 6 SCC 428], it@
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would be reasonable to hold that the interest should be @ 12

per cent instead of 18%. We, therefore, modify the award to that extent. This petition stands disposed of accordingly.

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(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master