

ITEM NO.112

COURT NO.8

SECTION IV

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

## RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 4299-4300 OF 1999

PRABHAT KUMAR

Appellant (s)

VERSUS

HARPAL SINGH &amp; ORS

Respondent(s)

(With office report)

Date: 14/12/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. M.K. Dua,Adv.

For Respondent(s)

Ex-Parte

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel appearing on behalf of the appellant.

The appeals are allowed in-part. No costs.

[ Alka Dudeja ]

Court Master

[ Om Prakash ]

Court Master

(Signed order is placed on the file)

REVISED

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4299-4300 OF 1999

Prabhat Kumar  
...Appellant (s)

Versus

Harpal Singh and Ors  
...Respondent(s)

O R D E R

The Motor Accident Claims Tribunal by its Award dated 18th December, 1996, awarded a sum of Rs.23,000/- as compensation together with interest at the rate of 12 per cent per annum thereon from the date of filing of the claim petition till realisation against the said Award. When the matter was taken up to the High Court, it enhanced the amount of compensation from Rs.23,000/- to Rs.50,000/-, but directed that the claimant shall not be entitled to any interest on the aforesaid amount enhanced by the High Court. Hence, this appeal by special leave.

Having heard learned counsel appearing on behalf of the appellant and perused

the records, we are of the view that the High Court has not committed any error in fixing

the compensation of Rs.50,000/-. So far as the interest is concerned, we are of the view

that the High Court was not justified in refusing to award interest on the enhanced

amount. In our view, the claimant is entitled to interest over the entire compensation

amount of Rs.50,000/- at the rate of 12 percent per annum from the date of filing of the

claim petition.

Accordingly, the appeals are allowed in-part and it is directed that the claimant

shall be entitled to interest upon a sum of Rs.50,000/- at the rate of 12 percent per annum

from the date of filing of the claim petition. No costs.

.....J.

(B.N. Agrawal)

.....J.

(H.K. Sema)

New Delhi,

December 14, 2004.