

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14697/2006

(From the judgement and order dated 13/04/2006 in MA No.236/2002
of the HIGH COURT OF JHARKHAND AT RANCHI)

NEW INDIA ASSURANCE CO. LTD.

Petitioner(s)

VERSUS

MOSOMAT BHUDHIYA DEVI & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 13/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. Vishnu Mehra,Adv.
Mr. B.K.Satija,Adv.

For Respondent(s) Mr. Anjani Kumar Jha,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

In modification of the High Court's order, interest payable is
directed at the rate of 9% per annum in place of 12% per annum, the
appeal is disposed of and the litigation costs deposited by the
appellant is allowed to be withdrawn by the learned counsel for
respondents Nos.1 to 7 in terms of the signed order.(A.S. BISHT)
COURT MASTER(PUSHAP LATA BHARDWAJ)
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 1086 OF 2009
[Arising out of SLP(C) No. 14697/2006]

NEW INDIA ASSURANCE CO. LTD.

... APPELLANT(S)

:VERSUS:

MOSOMAT BHUDHIYA DEVI AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

Before us, the depositions of the witnesses examined before the Motor Vehicle Accidents Claim Tribunal have been produced. We have been taken through them.

Keeping in view the evidences of PW-1 - the father of the deceased and PW-2 - wife of the deceased, as well as the other evidences on record, we are satisfied that the deceased was travelling in the truck in question along with his cows and buffaloes. We are, therefore, of the opinion that the judgment of the High Court need not be interfered with.

However, the rate of interest at 12% per annum as awarded by the High Court, in our opinion, being on the higher side, we, in modification of the said order, direct that the rate of interest payable shall be at the rate of 9% per annum.

The appeal is disposed of accordingly.

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Pursuant to our order dated 11.09.2006, the appellant has deposited the litigation costs in this Registry which is allowed to be withdrawn by learned counsel for respondents No.1 to 7.

.....J
(S.B. SINHA)

.....J
(Dr. MUKUNDKAM SHARMA)

NEW DELHI,
FEBRUARY 13, 2009.