

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Miscellaneous Appellate Jurisdiction)

M.A. No. 498 of 2018

Anju Kumari & Ors. Appellants

Versus

Divisional Manager, New India Assurance Co. Ltd. & Ors. Respondents

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CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

(Through : Video Conferencing)

For the Appellants : Mr. Rajiv Anand, Advocate

For the Respondents :

04/Dated: 05/04/2021

Heard, learned counsel for the appellants.

The claimants are the appellants before this Court and they have preferred the instant Miscellaneous Appeal against the award dated 07.06.2018 passed by learned District Judge-II-cum-Motor Accident Claim Tribunal, Bokaro in Motor Accident Claim Case No.86 of 2009 as the learned Tribunal has only granted simple interest @6% per annum, if the awarded amount to the tune of Rs.10,91,000/- is not paid within a period of 90 days.

Learned counsel for the appellants has submitted that claim application was of the year, 2009, the accident occurred on 09.09.2009, as such, in view of Section 171 of the MV Act and in view of the judgment passed by the Apex Court in the case of *Dharampal & Sons Vs. U.P. Transport Corporation*, reported in *(2008) 4 JCR 79 SC*, the claimants are entitled for interest @ 7.5% per annum from the date of filing of the claim application.

Learned counsel for the appellants has further submitted that no reason has been assigned by the learned Tribunal for fixing the responsibility of delay upon the claimants, as such, the interest may be granted from the date of filing of the claim application.

Considering such submissions, learned counsel for the appellants is directed to serve two copies of memo of appeal, impugned judgment/award and other relevant documents upon the learned counsel, Mr. Manish Kumar, who normally appears on behalf of the New India Assurance Co. Ltd. by tomorrow i.e. 06.04.2021.

Put up this case on 19.04.2021.

(Kailash Prasad Deo, J.)