

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3507 OF 2008
(Arising out of SLP(C) No.120235/2004)

ASHA RANI & ORS.

Petitioner(s)

VERSUS

UTTRANCHAL S.R.T.C.

Respondent(s)

ORDER

Delay condoned. Leave granted. Heard learned counsel for the parties.

2. The Appellants-claimants were granted compensation of Rs.1,20,000/- by the Motor Accident Claims Tribunal for the death of the husband of first Appellant, by judgment dated 12.9.1984. The Tribunal did not award any interest. The respondent-Corporation filed an appeal and the payment to the extent of 50% i.e. Rs.60,000/- was stayed by the High Court on 21.12.1984. Ultimately, after 19 years, on 8.7.2003, the High Court dismissed the appeal. As the appellants were denied the benefit of compensation amount awarded by the Tribunal from 12.9.1984, they have filed this appeal by special leave for the limited relief of interest at the rate of 24% per annum on the withheld amount.

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3. Though the Tribunal did not award any interest, but for the interim stay granted by the High Court, the appellants would have recovered the balance of compensation (Rs.60,000/-) in 1984 by executing the award. The appellants should not be prejudiced for no fault of theirs. Having stayed the recovery of 50% in 1984, the High Court while dismissing the appeal in 2003, ought to have provided for interest on the said 50% of compensation. The Appellants will therefore be entitled to interest at the rate of 7.5% per annum from 21.12.1984 till the payment.

4. We are told that even after the dismissal of the appeal in 2003, the respondent has not paid the balance of compensation. Respondent-corporation is directed to pay the amount due to the Appellants with interest at the rate of 7.5% per annum on Rs.60,000/- from 21.12.1984 till the date of payment of the said amount. The amounts due shall be paid within a period of four weeks. The appeal is disposed of accordingly.

.....CJI
(K.G. BALAKRISHNAN)

.....J
(R.V. RAVEENDRAN)

.....J
(MUKUNDAKAM SHARMA)

NEW DELHI;
MAY 09, 2008.

JUDIS