

that in case Respondent No.4 fails to pay the amount, Respondent Nos.5-8 herein shall be jointly and severally liable to pay the amount with the rider that in the event of failure of respondents to pay the amount within four weeks, the appellants shall be entitled to interest at the rate of nine per cent per annum.

Feeling dis-satisfied with the order of the National Commission, the complainants have preferred this appeal by special leave.

Learned counsel appearing on behalf of the appellants submitted that while determining the compensation at Rs.6,54,000/-, the National Commission has made a mistake in calculating the compensation and, as a matter of fact, the compensation should have been assessed at Rs.7,92,000/-. Learned counsel appearing on behalf of the private respondents stated that he is not in a position to dispute this fact.

In view of the above, we hold that the appellants are entitled to a sum of Rs.7,92,000/- by way of compensation and after deducting Rs.50,000/- already paid by Respondent No.1, a sum of Rs.7,42,000/- is payable to them. We are further of the view that the National Commission was not justified in not awarding interest to the appellants with effect from the date of filing of the complaint.

Accordingly, the appeal is allowed in-part. It is held that the enhanced compensation payable in terms of the order of the National Commission is Rs.7,92,000/- and not Rs.6,54,000/-. After deducting Rs.50,000/- paid by the Pune Municipal Corporation, Respondent Nos.4 to 8 are directed to pay to the appellants a sum of Rs.7,42,000/- together with interest thereon at the rate of nine per cent per annum from the date

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of filing of the complaint, i.e., 20th April, 2000, till date of payment within a period of four months by an account payee demand draft upon a local branch of the scheduled Bank. While doing so, they shall be entitled to adjust the amount already paid to the appellants.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

[RAJENDRA MAL LODHA]J.

New Delhi,
December 18, 2008.