

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL 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.

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our order dated 11.09.2006, the appellant has deposited the litigation costs in this Registry which is allowed to be withdrawn by learned counsel for respondents No.1 to 7.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

NEW DELHI,
FEBRUARY 13, 2009.