

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4971 of 2001

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

RAGHUBHAI ARJANBHAI. JOGRANA

Appearance:

MR HS MUNSHAW for Appellant
MR SANDEEP N BHATT for Respondent No. 1
DS AFF.NOT FILED (N) for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE M.H.KADRI

Date of decision: 27/02/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Heard the learned counsel for the appellant and learned counsel for the respondent no.1-original claimant.

2. Appeal admitted. Mr. Sandeep Bhatt appears for respondent no.1-original claimant and waives service of notice in the appeal. On a joint request of learned counsel, this appeal is taken up for hearing.

3. This is an appeal under section 173 of the Motor Vehicles Act, 1988 at the instance of the Gujarat State Road Transport Corporation being the owner of the bus involved in the accident, challenging the judgement and award passed by the Motor Accident Claims Tribunal (Main) at Rajkot in Motor Accident Claim Case No.593/1998.

4. The only point urged before us is as regards the rate of interest awarded by the Tribunal upon the amount of compensation determined by it. The Tribunal, after determining the amount of compensation on the merits of the case, has directed that the appellant shall also pay interest on the said amount of compensation at the rate of 15% per annum from the date of the claim petition till the date of payment with proportionate costs, but in case the deposit is made within four months from the date of the award, the rate of interest payable would be 12%. As aforesaid, the appellant challenges only the rate of interest awarded on the quantum of compensation determined by the Tribunal.

5. As a result of the hearing and discussion in the context of the limited controversy, a consensus has been arrived at between the learned counsel for the parties to the effect that the Court may allow only such interest on the usual parameters viz. followed in such matters and according to similar orders having been passed earlier. In the light of the above consensus, we hold and direct that the first respondent-original claimant shall be entitled to interest on the amount of compensation awarded by the Tribunal under the impugned award at the rate of 12% per annum from the date of the claim petition upto 31st December 1999 and at the rate of 9% thereafter till realisation.

6. The impugned judgement and award are modified only to the aforesaid extent and the rest of the award stands confirmed.

7. This appeal is, therefore, partly allowed to the aforesaid extent with no order as to costs. Decree be drawn accordingly.

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