

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Civil Revision No.256 of 2003.

Date of decision: 30.12.2008

Dhian Singh and Anotner

...Petitioners

Vs

M/s Oriental Insurance Company.

....Respondent

Coram:

The Hon'ble Mr. Justice Deepak Gupta, Judge.

Whether approved for reporting?¹

For the Petitioners:

Mr. Rama Kant Sharma, Advocate.

For the Respondent:

Mr. Ashwani Kumar Sharma, Advocate.

Per Deepak Gupta, J.

This revision petition under Section 115 C.P.C. is directed against the order passed by the M.A.C.T.(II), Solan camp at Nalagarh, dated 12.08.2003, whereby he has dismissed the execution petition as satisfied.

The brief facts of the case are that the petitioner filed a claim petition under Section 166 of the Motor Vehicles Act. This claim petition was allowed and in the concluding portion of the award, the learned M.A.C.T. held as follows:-

“The award amount shall be paid within 30 days from today failing which the interest at the rate of 12% per annum shall be charged from the date of petition till its realization”.

The award was passed on 30.08.2000. Admittedly, the amount in question was deposited on 30.09.2000. Since the award was passed on 30.08.2000, the 30 days expired on 29.09.2000 and the deposit of amount on 30th September, 2000 was delayed by one day. It is apparent that the amount was not deposited within 30 days of the award and there is

¹ Whether the reports of the local papers may be allowed to see the Judgment ?. Yes.

delay of 1 day in depositing the amount. Therefore, the Insurance Company was liable to pay interest at the rate of 12% per annum on the awarded amount of Rs.2,88,000/-lacs w.e.f. 19.02.1998 till the date of deposit. The learned Executing Court wrongly dismissed the execution petition in respect of the interest.

The review petition is, therefore, allowed and the Insurance Company is directed to deposit the amount of interest as aforesaid in the Registry of this Court within 6 weeks from today. This civil revision petition is accordingly disposed of.

December 30, 2008
(Yashwant).

(Deepak Gupta), J.