

[2024] 12 S.C.R. 1143 : 2024 INSC 1016

**T.C. John @ Yohannan (Deceased) Through Lrs.
v.**

V.J. Antony and Others

(Civil Appeal No. 14749 of 2024)

19 December 2024

[J.K. Maheshwari and Rajesh Bindal,* JJ.]

Issue for Consideration

Whether the High Court was justified in denying the interest for the period between 22.06.2016 to 13.07.2023, which was the period of delay in supplying the copy of paper book to the standing counsel for the insurance company.

Headnotes[†]

Motor Vehicle Accident claim – Denial of interest – The High Court had partly accepted appeal while enhancing the compensation, however, it denied the interest for the delay of 708 days in filing appeal and interest for the period between 22.06.2016 to 13.07.2023 – Justified or not:

Held: As far as assessment of compensation is concerned, the same does not call for interference by this Court – The appellants-claimants, for the period between 22.06.2016 to 13.07.2023, have been denied interest on the ground that there was delay on the part of the counsel for the appellants-claimants in not supplying the copy of the paper book to the counsel for the insurance company – Once the matter was before the Court, the appellants-claimants should not be deprived of the interest for the period between 22.06.2016 to 13.07.2023 – It cannot be said to be the fault on the part of the appellants-claimants, comparable to a fault in filing the appeal beyond the period of limitation – In the case in hand, the appeal was barred by 708 days – The High Court while condoning the same, specifically directed that the appellants-claimants will not be entitled to any interest for the aforesaid period, in case the amount of compensation is enhanced – The order is quite reasonable – The aforesaid delay in filing the appeal was attributable to the appellants-claimants, hence, they will

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not be entitled to the interest for the period of 708 days – At the same time, after having filed the appeal and during the pendency, the appellants-claimants should not be made to suffer directing for non-payment of interest, because for such default claimants alone could not be held responsible – Consequently, denial of interest to the appellants for the period between 22.06.2016 to 13.07.2023 as directed is not justified. [Paras 9, 10, 11]

List of Keywords

Enhancement of compensation; Interest; Condonation of delay; Denial of interest.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 14749 of 2024
From the Judgment and Order dated 07.09.2023 of the High Court of Kerala at Ernakulam in MACA No. 1072 of 2015

Appearances for Parties

Harshad V. Hameed, Dileep Poolakkot, Advs. for the Appellant.
Ms. Mrinal Kanwar, Vaibhav, Mayank Mikhail Mukherjee, Ujjwal Singh, Advs. for the Respondents.

Judgment/Order of the Supreme Court

Judgment

Rajesh Bindal, J.

1. Leave granted.
2. The present appeal arises out of impugned judgment¹ and order dated 07.09.2023 passed by the High Court² *vide* which the appeal filed by the appellants-claimants was partly accepted enhancing the compensation payable to the appellants-claimants. The grievance raised by the appellants-claimants is that the High Court has denied interest to them for the period between 22.06.2016 to 13.07.2023.

¹ MACA no.1072 of 2015

² High Court of Kerala at Ernakulam

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3. The facts as available on record in brief are that the accident took place on 07.08.2006 when the deceased was travelling in his jeep along with his wife(now widow) and children and a bus hit their jeep, resulting in death of the deceased. The appellants-claimants, consisting of deceased's widow and three daughters, filed claim appeal³ before the Tribunal⁴ seeking compensation of ₹15,00,000/-. The Tribunal passed an award of ₹4,15,000/- along with interest @ 7.5% per annum in favour of the appellants-claimants, making the driver, owner and the insurance company of the bus liable to pay the same.
4. Aggrieved against the award dated 18.11.2011 passed by the Tribunal, the appellants-claimants filed appeal before the High Court. There was a delay of 708 days in filing the appeal. The same was condoned *vide* order dated 24.08.2023 with the condition that on the enhanced compensation, if allowed, the appellants-claimants will not be entitled to claim interest for the period of delay of 708 days. Further the period for which there was delay in service of copy of paper book upon the standing counsel for the insurance company shall be decided at the time of final disposal of the appeal.
5. The High Court partly accepted the appeal while enhancing the compensation further by an amount of ₹9,84,500/- along with interest @ 8% per annum. It was directed that appellants-claimants shall not be entitled to the interest for the delay period of 708 days in filing the appeal as was directed *vide* order dated 24.08.2023. Further appellants-claimants were not allowed interest for the period between 22.06.2016 to 13.07.2023, which was the period of delay in supplying the copy of paper book to the standing counsel for the insurance company.
6. Learned counsel for the appellants-claimants submitted that the appellants-claimants are poor and illiterate persons. The deceased was the only bread earner for the family, working as driver, died leaving behind his widow and three daughters as his dependents. The family was having a hard time to make both ends meet. The amount of compensation as assessed is on lower side as the income of the deceased was not assessed properly and hence, appropriate

3 OP (MV) no.655 of 2007

4 Motor Accidents Claim Tribunal, Thalassery

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compensation was not awarded. It was further argued that the appeal having been filed before High Court, there had been a delay in the process on account of the fault of the counsel of appellants-claimants, which should not be taken against the appellants-claimants as they were not at fault. Hence, the insurance company should be made liable to pay interest on the enhanced compensation. The appellants-claimants should not be deprived of interest for the period between 22.06.2016 to 13.07.2023.

7. On the other hand, learned counsel for the respondents submitted that the assessment of compensation by the High Court is already on higher side, however, still the insurance company, accepting the same, has not preferred any appeal. The order of the High Court does not call for interference even with reference to claim regarding interest for the period between 22.06.2016 to 13.07.2023, during which the copy of the paper book was not supplied by the counsel for the appellants-claimants to the counsel for the insurance company.
8. Heard the learned counsels for the parties and perused the record available.
9. As far as assessment of compensation is concerned, in our view the same does not call for interference by this Court. The accident took place on 07.08.2006. The income of the deceased, claimed to be working as a driver, has been properly assessed at ₹8,750/- per month by the High Court. Under other heads also, appropriate amount of compensation has been awarded. Hence, award to that extent does not call for interference.
10. The appellants-claimants, for the period between 22.06.2016 to 13.07.2023, have been denied interest on the ground that there was delay on the part of the counsel for the appellants-claimants in not supplying the copy of the paper book to the counsel for the insurance company. Once the matter was before the Court, the appellants-claimants should not be deprived of the interest for the period between 22.06.2016 to 13.07.2023. It cannot be said to be the fault on the part of the appellants-claimants, comparable to a fault in filing the appeal beyond the period of limitation. In the case in hand, the appeal was barred by 708 days. The High Court while condoning the same, specifically directed that the appellants-claimants will not be entitled to any interest for the aforesaid period, in case the amount of compensation is enhanced.

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The order is quite reasonable. The aforesaid delay in filing the appeal was attributable to the appellants-claimants, hence, they will not be entitled to the interest for the period of 708 days.

11. At the same time, after having filed the appeal and during the pendency, the appellants-claimants should not be made to suffer directing for non-payment of interest, because for such default claimants alone could not be held responsible. Consequently, denial of interest to the appellants for the period between 22.06.2016 to 13.07.2023 as directed is not justified.
12. For the reasons mentioned above, the present appeal is partly allowed. The impugned order passed by the High Court is modified to the extent that the appellants-claimants shall be entitled to compensation as directed and interest at the same rate for the period between 22.06.2016 to 13.07.2023.
13. Accordingly, the appeal is partly allowed with no order as to costs.

Result of the case: Appeal partly allowed.

[†]Headnotes prepared by: Ankit Gyan