

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MAC APPEAL No. 4 of 2022

Union of India & 3 Ors.

... Appellants

- Versus -

Smt. N (O) Loidangmacha Devi & 7 Ors.

... Respondents

**B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

01.03.2024

[1] Heard Mr. BR Sharma, learned CGSC appearing for the appellants (respondents in MAC Case No. 63 of 2021) and Mr. S. Dijeshwor, learned counsel appearing for the respondents (claimants in MAC Case No. 63 of 2021).

[2] The present appeal has been filed with the following prayer:

1. Admit this appeal.
2. Call for the records of the MAC Case No. 63 of 2021, from the Motor Accident Claims Tribunal, Manipur.
3. Set aside the portion of the awarding interest of 7% from the date of filing the claims passed in the impugned judgment and order dated 21.04.2022.

[3] The grounds for filing the instant appeal are reproduced herein below:

(i) The Ld. Tribunal passed the impugned judgment and order without considering proper evidence as regards to the monthly income of the deceased and fixed the income of the deceased based

on personal opinion as Rs. 6,500/- per month for calculating the compensation without any cogent materials and fixing 7% interest on the award from the date of filing of claims till realization of the award

(ii) The impugned judgment and order was passed awarding the claimants an interest at the rate of 7% per annum from the date of filing the claim case till the date of realization of the said amount as awarding of interest in Claim cases are not mandated by law, especially in the circumstances of the present case.

(iii) The Ld. Tribunal failed to appreciate the very fact that the above referred case was dismissed on default for non- appearance vide order dated 25.08.2017 and was only restored vide order dated 8th October, 2021, while passing the impugned Judgment and Order dated 21.04.2022 and as such the impugned order is liable to be set-aside.

(iv) The Ld. Tribunal also failed to appreciate the very fact that the parties entered into an agreement dated 07.02.2008, settling all the claims of the claimants.

(v) The Ld. Tribunal further failed to appreciate the very fact that the parties entered into an agreement settling the claims of the claimants and as per the terms agreed upon by the parties in the agreement of settlement, the claimants/family members of the deceased received an amount of Rs. 50,000/- (Rupees Fifty Thousand) only from the Assam Rifles (Appellant No. 4) and two of the sons were given pre-recruitment training for recruitment rally at Assam Rifles.

(vi) The Ld. Tribunal erred in passing the impugned judgment and order and awarded interest from the date of filing the claims whereas the MAC Case No. 63 of 2021 was registered only on 08.10.2021 as per e-court record on <https://services.ecourts.gov.in>.

(vii) The Ld. Trial Court erred in passing the impugned judgment and order in as much as the appellants/respondents are at no fault for dismissal of the MAC Case No. 65 of 2008 and the delay in filing the

restoration application was due to inaction on the part of the claimants as they were sleeping over the matter since 25.08.2017 till the application for restoration was filed and was allowed and the case was freshly registered on 08.10.2021 as MAC Case No. 63 of 2021.

(viii) There are sufficient grounds to interfere with the portion of the impugned judgment and order which refers to entitling the claimants to an interest at the rate of 7% per annum from the date of filing their claims till the realization of the award.

[3] The learned CGSC appearing for the appellants (respondents in MAC Case No. 63 of 2021) submits that an appropriate order may be passed by this Court.

[4] The learned counsel appearing for the respondents/claimants proposed that the appellants/respondents be directed to pay the awarded compensation amount of Rs. 6,83,000/- (Rupees six lakh and eighty three thousand) with 7% interest from the date of filing of MAC Case No. 63 of 2021 till filing of the present case being MAC APPEAL No. 4 of 2022 and further, it is proposed that the interest of 7% may be waived from the date of filing of the present appeal.

[5] After hearing both the learned counsel appearing for the parties and also after perusal of the impugned judgment & order of the Ld. Presiding Officer, Motor Accident Claims Tribunal, Manipur dated 21.04.2022 passed in MAC Case No. 63 of 2021, I am of the opinion that the present appeal got no merit and as such, liable to be dismissed.

[6] In view of the above, the appellants/respondents are directed to pay the award compensation amount of Rs. 6,83,000/- (Rupees six lakh eighty three thousand) with 7% interest, after deducting a sum of Rs. 25,000/- (Rupees twenty five thousand) which had already been deposited in the account of Registrar General, High Court of Manipur, from the date of

filing of MAC Case No. 63 of 2021 till filing of the present case being MAC APPEAL No. 4 of 2022. The said amount of Rs. 6,83,000/- with interest of 7% thereof for the period mentioned above shall be deposited to the account of Registrar General, High Court of Manipur within 3 (three) months from the date of passing of this order.

[7] With the above direction, this appeal is dismissed and disposed of.

JUDGE

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