

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

MC (MAC. App.) No. 11 of 2025

Maibam Ongbi Mala Devi; & 3 Ors.

...Applicant/s

Vrs.

Magma General Insurance Ltd; & 3 Ors.

...Respondent/s

-B E F O R E-

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

25.03.2026

[1] Mr. H. Dijen, learned counsel appeared for the applicants and Mr. Y. Sanjoy, learned counsel appeared for the principal respondent No. 1.

None appeared for the proforma respondents No. 2, 3 & 4.

It has been submitted at the bar that the respondent No. 1 is an insurance company who is liable to pay the award passed by the Tribunal. The respondents No. 2, 3 & 4 are the owners and drivers of the 2 (two) vehicles involved in the said incident.

[2] The present application has been filed with a prayer to modify the interim order dated 05.05.2025 passed by this Court in the connected MAC App. No. 4 of 2025 by allowing the applicants to withdraw half of the deposited amount of the award passed by the Tribunal.

MAC App. No. 4 of 2025 has been filed by the Insurance Company (respondent No. 1 herein) against the judgment and award dated 31.01.2025 passed by the Motor Accident Claim Tribunal, Manipur in MAC case No. 22 of 2021. By the said award, the Tribunal held that the claimants are entitled to compensation amount of Rs. 33, 76,600/- (Rupees thirty-three lakh seventy-six thousand six hundred only) as compensation for the death of Maibam Rameshwor Singh, who succumbed to injuries from the motor accident that occurred on 30.05.2021 at Sekmai New Market along NH-2 Imphal Dhimapur Road.

[3] It has been submitted at the bar by both the counsel appearing for applicants as well as the principal respondent No. 1 that while calculating the total amount of the compensation awarded by the Tribunal, some clerical error has occurred, in that, an excess

amount of Rs. 56,650/- has been wrongly recorded while adding together the compensation amount due payable to the claimants. This factum has not be controverted by the learned counsel appearing for the applicants/claimants.

[4] Taking into consideration such undisputed factum, it is agreed by both the learned counsel appearing for the parties that the total compensation amount should be Rs. 33,19,950/- (Rupees thirty-three lakh nineteen thousand nine hundred fifty only).

[5] At the time of admission of the connected MAC App. No. 4 of 2025, an interim order was passed by this Court on 05.05.2025 to the effect that there shall be interim stay of the impugned judgment award dated 31.01.2025 passed by the Presiding Officer, Motor Accident Claim Tribunal, Manipur, in MAC case No. 22 of 2021, on the condition that the appellant insurance company shall deposit the entire compensation amount awarded by the Tribunal within a period of 12 weeks from the date of receipt of a copy of the said order, to the credit of MAC case No. 22 of 2021 on the file of the Motor Accident Claim Tribunal, Manipur at Lamphelpat.

[6] It has been submitted by the learned counsel appearing for the insurance company (principal respondent No. 1) that pursuant to the direction given by this Court on 05.05.2025, the insurance company has already deposited an amount of Rs. 40,50,582/- (Rupees forty lakh fifty thousand five hundred eighty two) which is inclusive of 6 % interest accrued to the compensation amount on 07.08.2025 to the Registrar General of the High Court of Manipur.

[7] Mr. H. Dijen, learned counsel appearing for the applicants/claimants by relying on an order dated 10.10.2022 passed by this Court in MC (MAC. App.) No. 5 of 2022 (Ref: MAC App. No. 1 of 2021) submitted that in a similar cases, this Court has allowed the claimants to withdraw 50% of the total amount of compensation including 6% interest during the pendency of the connected appeal and as such, the learned counsel prays for allowing the present applicants to withdraw 50% of the compensation amount including 6% interest during the pendency of the connected appeal.

A scan copy of the said order dated 10.10.2022 is reproduced hereunder:-

KABORA
MBAM
SANDEE
P SINGH

Item No. 6

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

MC (MAC. App.) No. 5 of 2022

[Ref: MAC App. No. 1 of 2021]

1. Smt. Indu Moyon, aged about 38 years, wife of late Nungchim Angsha Moyon of Heigrutampak Village, near Komlathabi P.O. Pallel, P.S. Chandel, Chandel District, Manipur – 795135.
2. Sharon Moyon, aged about 11 years, daughter of late Nungchim Angsha Moyon of Heigrutampak Village, near Komlathabi P.O. Pallel, P.S. Chandel, Chandel District, Manipur – 795135.



The applicant No. 2, being minor, she is represented by applicant No. 1, being her natural mother.

Applicants/Claimants

Vs.

The Divisional Manager, National Insurance Company Ltd.,
Thargal Bazar, near Dharmasala, Imphal, P.O. Imphal,
P.S. City, Imphal West District, Manipur – 795001.

Respondent

*S. J. Kumar
Assistant Registrar
High Court of Manipur
Imphal (Eastern)*

For the applicants	:	Mr. H. Dijen, Advocate
For the respondent	:	Mr. K. Pradeep, Advocate
Date of order	:	10.10.2022

BEFORE

HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

Sanjay Kumar (C.J.):

[1] By way of this miscellaneous case, the appellants in MAC. App. No. 1 of 2021 seek a direction to the National Insurance Company, respondent No. 3 therein, to deposit half of the amount awarded in Motor Accident Claims Case No.

19 of 2018 on the file of the Motor Accidents Claim Tribunal, Manipur at Lamphelpat, pending disposal of the appeal.

[2] Heard Mr. H. Dijen, learned counsel for the applicants/claimants; and Mr. K. Pradeep, learned counsel for the Insurance Company.

[3] Ordinarily, an Award of a Motor Accident Claims Tribunal, granting compensation to the claimants, would be treated on par with a money decree and the usual order passed by an Appellate Court, dealing with the validity of such an Award/money decree, would be to direct deposit and withdrawal of 50% of the amount awarded, pending disposal of the appeal. This is the practice adopted by the Courts as the claimants, who succeeded before the Court of the first instance, would be entitled to enjoy at least part of the benefits accruing therefrom.

[4] Mr. K. Pradeep, learned counsel for the respondent insurance company, would contend that the Tribunal failed to examine the issue of contributory negligence in the correct perspective. Even if such argument is to be accepted, it would only result in reduction of the compensation amount and such reduction, in the usual course, would not be over 50% of the awarded amount.

[5] Therefore, this Court sees no grounds made out to deviate from the usual order passed in cases of this nature.

[6] There shall accordingly be a direction to the respondent insurance company to deposit 50% of ₹. 73,22,872/- along with interest thereon at the rate of 6% per annum from the date of filing of the claims case, i.e., 21.04.2018, till the date of actual deposit.

The deposit shall be made to the credit of Motor Accident Claims Case No. 19 of 2018 on the file of the Motor Accidents Claim Tribunal, Manipur at Lamphelpat, within 6 weeks from the date of receipt of a copy of this order. Upon



5.3.19-2023
Assistant Registrar
High Court of Manipur
Imphal (Manipur)

such deposit, the applicants/claimants are permitted to withdraw the same without furnishing security, in accordance with due procedure.



Sandakp

MC (MAC. App.) No. 5 of 2022 is ordered accordingly.

S/-
CHIEF JUSTICE

Signature of copyist :
17/9/2022
(M. PRIYA KUMAR SINGH) 13/10/2022



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[8] Mr. Y. Sanjoy, learned counsel appearing for principal respondent No. 1 fairly submitted that after perusal of the said order dated 10.10.2022 passed by this Court, he is agreeable to the proposition of law laid down earlier by this Court and that he has no objection in allowing the applicants/claimants to withdraw half of the total compensation amount awarded by the Tribunal including 6% interest of the said amount during the pendency of the connected appeal.

[9] In view of the submission made by the learned counsel appearing for the parties, the present application is hereby allowed by issuing a direction that the applicants/claimants should be permitted to withdraw 50% of the total amount of compensation including 6% interest awarded by the Tribunal without furnishing security in accordance with due procedures.

[10] With the aforesaid directions, the present application is disposed of.

JUDGE

Sapana