

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.408 of 2019

Branch Manager, Bajaj Allianz Appellant
G.I. Co. Ltd.

-versus-

Subsash Ch. Sahu & Ors. Respondents

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
04.07.2022

Order No
09.

I.A. No.1251 of 2019

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Parties.
3. Considering the grounds taken in the Petition, the delay in filing the appeal is condoned, subject to payment of cost of Rs.1,000/- (Rs. One thousand), which is paid in Court today.
4. I.A. is disposed of.

(Biraja Prasanna Satapathy)
Judge

P.T.O.

10.

MACA No.408 of 2019

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. A.A. Khan, learned counsel appearing for the Appellant-Company and Mr. P.K. Mishra, learned counsel appearing for the Claimants-Respondents.

3. This appeal has been filed by the Appellant Company challenging the Judgment dated 03.01.2019 passed in MAC Case No. 03/2015 by the learned 2nd MACT (Southern Division), Berhampur, Ganjam.

4. Mr. Khan, learned counsel appearing for the Appellant-Company submitted that learned Tribunal without proper appreciation of the grounds raised by the Appellant-Company and the materials placed by the company, held the Claimants-Respondents entitled to get compensation amount of Rs. 4,96.024/- (Rs. Four Lakh Ninety six thousand twenty four) along with interest @ 6% per annum payable from the date of application till its payment.

5. Mr. Khan further submitted that learned tribunal also allowed the compensation without proper appreciation of the evidence of the witnesses and the evidence laid with regard to non-involvement of the vehicle in question. Accordingly, Mr. Khan paid for interference of this Court in the impugned Judgment.

6. Mr. Mishra, learned counsel appearing for the Claimants-Respondents, on the other hand, submitted that learned Tribunal on proper appreciation of the materials available on record rightly

allowed the compensation at Rs. 4,96.024/-(Rs. Four Lakh Ninety six thousand twenty four) along with interest @ 6% per annum. Mr. Mishra, accordingly submitted that no interference is called for by this Court.

7. Heard, learned counsel for the Parties. Perused the materials available on record. After going through the same this Court when came to a conclusion that the Claimants-Respondents will be entitled to get compensation amount of Rs. 4,10,000/-(Rs. Four Lakh ten thousand) by keeping the rate of interest so allowed by the learned Tribunal intact, Mr. Mishra, learned counsel for the Claimants-Respondents supported the said view of this Court. Mr. Khan, learned counsel appearing for the Appellant-Company left the same to the discretion of this Court.

8. In view of such stand taken by the learned counsel appearing for both the Parties, this Court while interfering with the impugned judgment held that the Claimants-Respondents will be entitled to get compensation amount of Rs. 4,10,000/-(Rs. Four Lakh ten thousand) along with interest so awarded by the learned Tribunal in its Judgment dated 03.01.2019.

9. While holding so this Court directs the Appellant-Company to deposit the aforesaid compensation amount of Rs. 4,10,000/-(Rs. Four Lakh ten thousand) along with interest so awarded by the learned Tribunal before the said Tribunal within a period of eight weeks from the date of receipt of this order. It is directed that on such deposit of the amount learned Tribunal shall disburse the same in favour of the Claimants-Respondents proportionately and in terms of its order dated 03.01.2019.

10. However, it is observed that if the Appellant-Company fails to deposit the aforesaid compensation amount so assessed by this Court within the period indicating hereinabove, the Claimants-Respondents will be entitled to get interest @ 7% per annum on the said compensation amount of Rs. 4,10,000/- (Rs. Four Lakh ten thousand) for the period starting from the expiry of the period of eight(8) weeks till its payment.

11. It is further observed that only after deposit of the entire amount along with interest before the learned Tribunal as directed hereinabove, the Appellant-Company shall be permitted to take refund of the statutory deposit along with accrued interest thereon from the Registry of this Court on proper identification.

12. This appeal is accordingly disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha