

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.960 of 2018

**Cholamandalam M/s.
G.I.Co., Ltd.**

....

Appellant

-versus-

**Shanti Kishan @ Ekka &
Others**

....

Respondents

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.07.2022

Order No

06.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. G.P.Dutta, learned counsel for the Appellant-Company & Mr. P.K.Nayak, learned counsel for the Claimant-Respondent.

3. At the outset, it is submitted that even though during pendency of the matter, the Claimant-Respondent No.1 has died, but no substitution is required as all the claimants are on record. The memo filed in that regard by the learned for the Claimant-Respondent be kept on record.

4. This appeal has been filed by the Appellant-Claimant challenging the judgment dated 15.04.2017 passed in MAC Case No.360/2014 by the learned Additional District Judge-cum-IIIrd M.A.C.T., Rourkela.

5. It is submitted that learned Tribunal without considering the grounds raised by the Appellant-Company illegally held that the claimant-respondent entitled to get

compensation of Rs.74,82,000/- @ 6 % per annum payable from the date of application till its realization.

6. Mr. Dutta, learned counsel for the Appellant submitted that learned Tribunal without assessing the compensation illegally deducted 1/4th in place of 1/5th of the income towards personal expenses.

7. It is also submitted that learned Tribunal also calculated the compensation by applying wrong multiplier '15' in place of multiplier '14'.

8. Making all such submission, Mr. Dutta prayed for interference of this Court in the impugned judgment.

9. Mr. Nayak, learned counsel for the Claimant-Respondent though supported the impugned judgment, but failed to satisfy this Court on the points raised by the learned counsel for the Appellant.

10. Heard learned counsel for the Parties.

11. Perused the materials available on record. This Court after going through the same, when came to a conclusion that the Claimant-Respondent will be entitled to get compensation amount of Rs.65,00,000/- along with interest @ 6 % per annum payable from the date of application till its realization, Mr. Nayak, learned counsel for the Claimant-Respondent supported the said view of this Court.

12. Mr. Dutta, learned counsel for the Appellant left the same to the discretion of this Court.

13. In view of such stand taken by the learned counsel for the Parties, this Court while interfering with the impugned judgment held that the claimant-respondent is entitled to get compensation of Rs.65,000/- along with interest @ 6 % per annum payable from the date of application till its realization. This Court accordingly directs the Appellant-Company to deposit the aforesaid compensation amount before the learned Tribunal within a period of eight weeks from the date of receipt of this order.

14. It is observed that on such deposit of the amount, learned Tribunal shall do well to disburse the same in favour of the claimant-respondent in terms of its order passed on 15.04.2017.

15. It is however observed that if the appellant-company fails to deposit the amount so directed by this Court within the time, the compensation amount of Rs.65,00,000/- will carry interest @ 7 % per annum for the period starting from the expiry of the period eight weeks till its payment.

16. It is further observed that only after payment of the entire amount, the appellant-company shall be permitted to take refund of the statutory deposit along with accrued interest from the Registry of this Court on proper identification.

17. With the aforesaid observations and directions, both the MACAs stands disposed of.

(Biraja Prasanna Satapathy)
Judge