

IN THE HIGH COURT OF ORISSA AT CUTTACK

M.A.C.A No.397 of 2021

**M/s. New India Assurance Co.,
Ltd.**

Appellant

-versus-

Damodar Swain & Another

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.07.2022**

Order No

4.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. B.K.Mohanty, learned counsel for the Appellant and Mr. K.K.Das, learned A.G.A for the State.

3. This appeal has been filed by the Appellant-Company challenging the award dated 18.08.2021 passed by the learned 3rd M.A.C.T., Puri in M.A.C Case No.25/436 of 1998/1995.

4. Learned Tribunal vide the said order has directed the Appellant-Company to pay compensation amount of Rs.65,000/- along with interest @ 7% per annum payable from the date of application till its realization.

5. Though various grounds have been raised in the memo of appeal, but it is submitted in the bar that the present appeal is not maintainable in view of provision contained under Section 173(2) of the M.V. Act 1988. Section 173(2) reads as follows:-

“(2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than one lakh rupees.”

6. Since the amount of compensation awarded is Rs.65,000/-, the present appeal is not maintainable and accordingly is dismissed on the ground of maintainability.

(Biraja Prasanna Satapathy)
Judge

Subrat

