

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.423 of 2021

**Legal Manager, M/s.
Cholamandalam MS. G.I.
Co., Ltd.**

....

Appellant

-versus-

**Sashi Bhusan Panda &
Another**

....

Respondents

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
15.07.2022**

Order No

08. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. G.P. Dutta, learned counsel for the Appellant, Mr. R.P. Bhagat, learned counsel for the Claimants-Respondent No.1.

3. This appeal has been filed by the Appellant-Company challenging the judgment dated 12.08.2021 passed in MAC Case No.352/2015 by the learned District Judge-cum- 1st M.A.C.T., Jagatsinghpur.

4. It is submitted that learned Tribunal without proper appreciation of the grounds raised by the Appellant-Company held the Claimant-Respondent entitled to get compensation at Rs.26,98,209/- along with interest @ 7 % per annum payable from the date of application till its realization.

5. It is submitted that learned Tribunal while assessing the compensation never take into consideration the

objection raised by the Appellant-Company towards the bill submitted by the injured for his medical treatment.

6. It is also submitted that learned Tribunal illegally held higher compensation towards conveyance charges, attendance charges as well as towards loss of amenities.

7. It is also submitted that the rate of interest allowed @ 7 % per annum is on the higher side.

8. Making all such submission, learned counsel for the Appellant prayed for interference of this Court in the impugned judgment.

9. Mr. Bhagat, learned counsel for the Claimant-Respondent on the other hand submitted that no illegality has been committed by learned Tribunal in assessing the compensation and no interference is called for by this Court.

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 is entitled to get compensation at Rs.24,50,000/- along with interest @ 6 % per annum payable from the date of application till its realization. Mr. Bhagat, 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.24,50,000/- along with interest @ 6 % per annum payable from the date of application till its realization. While holding so, 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 12.08.2021.

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.24,50,000/- 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