IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.323 of 2008
CNR No. ODHC010033452008

(An appeal Under Section-173 of M.V. Act, 1988).

Divisional Manager, the Oriental Insurance Co. Ltd., Rourkela … ***Appellant***

-versus-

Mohan Chandra Nayak and another … ***Respondents***

For Appellant : ***Mr. N.B. Das, Advocate***

For Respondents : ***Mr. P. Panda [R-1(b) & 1(c)]***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:30.10.2026 (ORAL)

G. Satapathy, J.

MACA No.323 of 2008 & Misc. Case No. 1351 of 2011

1. This judgment shall dispose of not only the Misc. Case No. 1351 of 2011 filed by the Appellant for condonation of delay of 52 days, but also the Appeal on merit.

2. This appeal has been filed by the Divisional Manager, Oriental Insurance Company Ltd. (In short "the insurer") challenging the impugned judgment dated 02.01.2008 passed by the learned 1st Motor Accident Claims Tribunal, Keonjhar (In short, "the Tribunal") in M.A.C. Case

No.258 of 2004, wherein the insurer was directed to pay a sum of Rs.1,20,000/- to the claimant- herein together with simple interest @ 9% per annum w.e.f. date of filing of claim till realization of the compensation.

3. The facts in this case, being largely not disputed is not reiterated to avoid repetition, but the main challenge of the insurer as advanced in the course of hearing is to the interest component on the compensation. The appeal has been filed by the insurer with a delay of 52 days, but the ground as put-forth for condonation of delay in Misc. Case No. 1351 of 2011 as filed by the insurer are as under: -

> *"(4) That the order/judgment under challenge was passed on dt.02.01.2008 and the free copy was received by the petitioner's Division Office at Keonjhar in the month of February, 2008.*
>
> *(5) That the petitioner after receiving the copy of the same sent to the conducting counsel in the court below for legal opinion and after obtaining the legal opinion forwarded the entire case records to the Regional Office at Bhubaneswar in the month of March, 2008.*
>
> *(6) That the legal department of the Regional Office immediately prepared the note and put up the file before his higher authority to take a decision on preferring an appeal before this Hon'ble Court and thereafter the present counsel was engaged on dt. 23.04.08 to file the appeal.*

(7) That after receiving the case record from the appellant the present counsel after going through the case records prepared the memorandum of appeal and filed the same on dt. 23.05.08 and in the process there is some delay in filing the present appeal.

(8) That the delay in filing this appeal is neither intentional nor deliberate and was beyond the control of the petitioner. Furthermore, there are good grounds and have effective substantial question of law to be decided by this Hon'ble Court while adjudicating the aforesaid appeal.

4. Heard, Mr. Nayan Bihari Das, learned counsel for the appellant and Mr. Parsuram Panda, learned counsel for R-1(b) & 1(c) in the matter and perused the record.

5. A careful scrutiny of the aforesaid averments as taken by the insurer for condonation of delay appears to be not only unconvincing, but also lacks precise details as to the grounds for condoning the delay. Besides, this is an appeal of the year 2008 which challenges the impugned judgment passed by the learned tribunal on 02.01.2008 for a claim of the year 2004 with accident taking place on 13.10.2004 and this Court, therefore, does not consider it proper to overturn the decision of the tribunal after a gap of around 22 years of the date of the accident by condoning the delay. No doubt, there is a delay of small duration, but the delay defeats the

equity and it is, thereby, not advisable to condone the delay at such length of time, which is after a gap 18 years of filing this Appeal. However, during the course of hearing of the appeal, it was pointed out by the learned counsel for the insurer that the interest component on the compensation is bit higher which is acknowledged by Mr. Parsuram Panda, learned counsel for R1(b) & (c), who by filing a memo in Court today submits that R1(b) & (c) who are the LRs of original claimant-cum-Respondent have no objection, if the interest on the compensation amount is reduced to 6 % from 9 % as per award dated 02.01.2008 passed by the learned 1st MACT, Keonjhar.

6. In view of the aforesaid developments and on consideration of the materials placed on record, this Court does not consider it proper to condone the delay and admit the appeal, but at the same time, taking into account the concession made on behalf of R1(b) & (c) reduce the interest component on compensation to 6% per annum w.e.f date of filing of the claim till its realization. Hence, the Misc. Case No. 1351 of 2011 filed by the Appellant for condonation of delay of 52 days is, hereby, dismissed

7. In the result, the delay being not condoned, the appeal stands dismissed as barred by law of limitation at the admission stage, but the interest as awarded by the learned tribunal on compensation is reduced to 6 % per annum and the insurer is directed to pay the compensation amount to the claimants together with simple interest @ 6% per annum w.e.f date of filing of claim till its realization to the claimants within eight weeks hence. The statutory deposit together with the accrued interest thereon be refunded back upon receipt of proof of deposit of compensation amount before the learned Tribunal.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 30th day of October, 2026/Priyajit

Signature Not Verified
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Signed by: PRIYAJIT SAHOO
Reason: Authentication
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