

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 298 of 2013

Smt. Mamta Devi & Ors. Appellants

Versus

Ram Nivas & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Arvind Kr. Lall, Advocate

For Insurance Co. : Mr. Ashutosh Anand, Advocate

Oral Order

14 / Dated : 30.10.2025

Heard both sides.

The issue raised on behalf of the claimants is mainly on two folds. First is with regard to non-payment of penalty in the awarded amount and the second is the interest which has not been paid from the date of accident. So far as the issue of interest is concerned, there is no dispute whatsoever that in view of the expressed mandate of law under Section 4A of the Employees' Compensation Act as held in **(2002) 9 SCC 450 (L.R. FERRO ALLOYS LTD. Vs. MAHAVIR MAHTO AND ANR.)** the liability is on the Insurance Company to pay the compensation amount with interest.

However, it will be deviatable whether the Insurance Company can be solely saddled with liability to pay the penalty amount as the penalty is paid for default on the part of the owner of the vehicle. In this view of the matter, the owner becomes a necessary party and, therefore, the earlier order dispensing him with his appearance is recalled and learned counsel for the appellants is directed to serve notice upon respondent no. 1 (owner) for which requisites etc. under speed post as well as under ordinary process must be filed within one week.

Put up this case after five weeks.

In the meantime, call for the lower court records from the court concerned.

(Gautam Kumar Choudhary, J.)

AKT/Satendra

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