

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Miscellaneous Appellate Jurisdiction)
M.A. No. 24 of 2019

.....
The Oriental Insurance Company Limited Appellant
Versus

Annapurna Devi & Others Respondents

WITH

M.A. No. 613 of 2018

.....
Annapurna Devi & Others Appellants
Versus

The Oriental Insurance Company Limited Respondent

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

.....
For the Appellant : Mr. Manish Kumar, Advocate.

For the Respondents :
[In M.A. No. 24/2019]

For the Appellants : Mr. Rajendra Prasad, Advocate.

For the Respondent :
[In M.A. No. 613/2018]

.....

04/01.03.2021.

M.A. No. 24/2019 has been preferred by the Oriental Insurance Company Limited against the award dated 07.04.2018 passed by learned District Judge-III-cum-Motor Vehicle Accident Claim Tribunal, Deoghar in Motor Vehicle Accident Claim Case No. 11 of 2007, whereby the claimants namely (1) Annapurna Devi (2) Pramila Kumari (3) Anil Gupta and (4) Sunil Gupta have been awarded compensation to the tune of Rs. 9,50,000/- along with interest @ 7% per annum to be paid within 30 days, failing which the Oriental Insurance Company Limited is liable to pay interest @ 9% per annum till the date of indemnifying the award.

Learned counsel for the appellant, Mr. Manish Kumar has submitted that office has pointed out defect no. 2 with respect to respondent nos. 5 & 6, as they are not party in the certified copy of the impugned order.

Learned counsel for the appellant has further submitted that even in the party position of the impugned order at page no. 1, the same is not reflected but in the claim application filed before the learned Tribunal, the owner Smt. Lakhia Routain, Wife of Bechan Rout, Resident of Rajabagicha, Deoghar, P.O., P.S. & District –

Deoghar being the owner of the offending vehicle BR-40-4761 and respondent no. 6 is the driver of the offending vehicle namely, Krishnand Jha, son of Sri Nand Lal Jha, resident of Village – Chakrama, P.O. & P.S. - Mohanpur, District – Deoghar, are party, for which he is ready to file interlocutory application, as such prayed for one weeks' time.

Learned counsel for the appellants in M.A. No. 613/2018 Mr. Rajendra Prasad has submitted that the claimants are appellants before this Court. They have preferred this appeal for enhancement of the amount as the learned Tribunal has granted interest @ 7% per annum without specifying from which date though Section 171 of the Motor Vehicles Act Specifies about the date of granting interest from the date of filing of the claim application or otherwise the learned Tribunal can change the same, but with some specific reason attributing delay to the claimants which has not been done in this case, as such, this Court may enhance compensation by clarifying the date of applicability of interest.

Learned counsel for the appellants has further submitted that for removing defect nos. 1 & 2 as pointed out by the office dated 12.10.2020, he will take appropriate steps within two weeks.

Accordingly, both the cases are adjourned to be listed after two weeks.

In the meantime, learned counsel for the appellants in both the cases shall take legal recourse to remove the defects.

(Kailash Prasad Deo, J.)

Sunil/-