



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.150 of 2025

***D.M., Oriental Insurance
Company Ltd., Cuttack.***

....

Appellant

Mr. P.K. Mahali, Advocate

-versus-

Durga Das and Others

....

Respondents

Mr. K.M.H. Niamanti, Adv.

(for Res. Nos.1 to 4)

Mr. S.K. Samal, Adv.

(for Res. No.5)

CORAM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.04.2025

I.A. NO.362 of 2025

Order No.

6. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard.

3. Considering the grounds taken, the delay in filing the appeal is condoned.

4. The I.A stands disposed of.

(Biraja Prasanna Satapathy)
Judge

MACA No.150 of 2025

7. 1. Heard learned counsel appearing for the parties.

2. This appeal has been filed by the Appellant-Company challenging the judgment dt.02.04.2024 so passed by the learned 1st Addl. District Judge-cum-1st MACT, Cuttack in MAC Case No.763 of 2015. Vide the said Judgment, the



Tribunal assessed compensation at Rs.56,70,718 along with interest @6% per annum payable from the date of filing of the claim application till its realization. The Tribunal also awarded default interest @ 12% per annum, if the compensation so assessed is not deposited within a period of two (2) months.

3. In support of the appeal, learned counsel appearing for the appellant contended that F.I.R was lodged against an unknown vehicle and the offending vehicle was only seized after around 40 days of the F.I.R. Therefore, it is to be held that the vehicle was planted. It is also contended that compensation in other heads has been awarded at a higher side.

3.1. Making all these submissions, learned counsel appearing for the appellant-company contended that the impugned award needs interference of this Court.

4. Even though learned counsel for the claimants-respondents supported the impugned award, but in course of hearing contended that the claimant-respondent will be fully satisfied if this Court will reduce the compensation amount to Rs.50,00,000/- along with interest @ 6% per annum payable from the date of filing of the claim application till its realization. With regard to award of default interest @12% per annum, it is contended that this Court may pass appropriate order.

5. Learned counsel appearing for the Appellant-company left the aforesaid proposition made by the learned counsel for the Claimants-respondents to the discretion of this Court.



6. Having heard learned counsel for the parties and considering the submission made, this Court while interfering with the impugned judgment is inclined to waive out the default interest levied @ 12% per annum and reduce the compensation to Rs.50,00,000/- along with interest @6% per annum payable from the date of application till its realization. This Court accordingly directs the Appellant-Company to deposit compensation amount of Rs.50,00,000/- along with interest @6% per annum payable from the date of application till its realization within a period of eight (8) weeks from the date of receipt of this order.

6.1. It is observed that on such deposit of the amount, the Tribunal shall do well to disburse the same in favour of the Claimants-Respondents No.1 to 4 proportionately in terms of the judgment dt.02.04.2024.

6.2. It is further observed that if the Appellant-Company will fail to deposit the compensation amount within the time stipulated here-in-above, the compensation amount of Rs.50,00,000/- shall carry interest @7% per annum payable from the date of expiry of the period of 8 (eight) weeks till it is so deposited.

6.3. It is observed that only after deposit of the amount as directed, Appellant-Company shall be permitted to take refund of the statutory deposit along with accrued interest, if any, on proper identification.

6.4. The MACA accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge