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SLP(C)No. 17140-17141 OF 2001

ITEM No.10

Court No. 3

SECTION XIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.17140-17141/2001  
(From the judgement and order dated 30/03/2001 in AHO 84/99  
and 15.5.2001 in MC 99/2001 in AHO 84/99  
of The HIGH COURT OF ORISSA AT CUTTACK)

SANJUKTA JENA & ORS.

Petitioner (s)

VERSUS

DIVISIONAL MANAGER, N.I.A.CO. LTD. &NR.  
(With Office Report) (For Final Disposal)

Respondent (s)

Date : 12/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK  
HON'BLE MR. JUSTICE S.N. PHUKAN  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Manoj Kumar Das, Adv.  
Mr. Sibor Sankar Mishra, Adv.

For Respondent (s) Mr. Salil Paul, Adv.  
Mr. S K Paul, Adv.  
Ms. Indra Sawhney, Adv.

UPON hearing counsel the Court made the following  
O R D E R

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Heard Mr. Manoj Kumar Das, learned counsel  
for the appellants and Mr. Salil Paul, learned  
counsel for the respondents for about five minutes  
each.

Leave granted.

The appeals are allowed in terms of the signed  
order.

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(Suneet Bala Sharma)  
Court Master

(Kanchan Jain)  
AR-cum-PS

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1131-1132 OF 2002@@  
CC  
arising out of  
SPECIAL LEAVE PETITION (C) NOS. 17140-17141 OF 2001@@  
CC

Smt. Sanjukta Jena & Ors. ....Appellants

VS.

The Divisional Manager, ....Respondents  
New India Assurance Company Ltd. & Anr.

O R D E R@@  
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Leave granted.  
Heard Mr. Manoj Kumar Das, learned counsel for the appellant and Mr. Salil Paul, learned counsel for the respondent - Insurance Company.  
Having regard to the entire facts and circumstances of the case, we have no doubt in our mind that the Division Bench exceeded its jurisdiction in reducing the interest rate from 15% per annum to 10% per annum particularly when the appeal itself was not entertainable, only on the quantum of compensation by the Insurance Company.

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These appeals are, accordingly, allowed. The direction of the Division Bench that interest would be paid at the rate of 10% per annum is set aside and the interest rate would be 15% per annum, as directed by the single Judge, with effect from 1st September, 1999.

.SP1

.....J.  
(G. B. PATTANAIAK)

.....J.  
(S. N. PHUKAN)

.....J.  
(S. N. VARIAVA)

New Delhi  
February 12, 2002.