

M.A.C.A. No.1076 of 2012

07. 27.08.2013

Heard learned counsel for the parties.

The State of Orissa has filed this appeal against the judgment dated 24.08.2011, passed by the Addl. District Judge -cum- IIIrd Motor Accident Claims Tribunal, Rourkela, in M.A.C. Case No.38/06 of 1997-2002, awarding an amount of Rs.6,39,084/- as compensation along with interest @ 9% per annum from the date of filing of the claim application till payment.

Learned counsel for the appellant submits that as the offending vehicle (Truck) bearing no.ORS-7171 had been requisitioned by the Collector, Sundargarh, for deployment in the Panchayat Election during January, 1997 and the said vehicle met with an accident on 09.01.1997 near Dareikela UP School, Sundargarh, therefore the appellant cannot be said to be the owner of the vehicle and no liability could have been saddled on the present appellant. It is submitted that respondent no.4 is the registered owner of the vehicle and as the said vehicle was covered under a valid policy of insurance, the liability if any, should have been saddled on the owner and insurer of the vehicle. It is further submitted that the assessment of the compensation amount is not properly made, inasmuch as, in the earlier award passed by the learned Tribunal, the claimants had been awarded Rs.3,66,294/- along with interest @8% per annum.

On perusal of the impugned award it is seen that learned Tribunal has taken into consideration the decision of the apex Court in the case of **National Insurance Co. Ltd. -Vrs- Deepa Devi and others**, 2008 ACJ 705, wherein in a similar case, it has been held that State shall be liable to pay the compensation amount and not the registered owner. Therefore,

the findings of the learned Tribunal fixing the liability on the State cannot be faulted.

As regard the assessment of the compensation amount and the basis on which the same has been arrived at, I feel, the interest of justice would be best served if the awarded compensation amount of Rs.6,39,084/- is modified and reduced to Rs.5,00,000/- (Rupees Five lakhs). The award of interest @9% per annum is also modified and reduced to 6% per annum. Accordingly, the claimants are entitled to the modified compensation amount of Rs.5,00,000/- (Rupees Five lakhs) along with interest @6% per annum. The impugned award is modified to the said extent.

The appellant-State is directed to deposit the modified compensation amount of Rs.5,00,000/- (Rupees Five lakhs) along with interest @6% per annum, from the date of filing of claim application, with the learned Tribunal within eight weeks hence. On deposit of the said amount, the same shall be disbursed to the claimants proportionately as per the direction of the learned Tribunal given in the impugned award.

The statutory amount deposited in the Registry of this Court along with accrued interest thereon shall be refunded to the appellant on production of receipt showing deposit of the modified compensation amount and interest before the learned Tribunal.

M.A.C.A. is accordingly disposed of.

A free copy of this order be handed over to learned counsel for the State for compliance.

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S.C.Parija, J.