

(2010) 11 OHC CK 0037
In the Orissa High Court
Case No : MACA No. 9 of 2007

Barnadit Tirkey and Others

APPELLANT

Vs

Jagadish Singh and Another

RESPONDENT

Date of Decision : 22-11-2010

Acts Referred:

Citation : (2011) 111 CLT 731

Hon'ble Judges : H.S. Bhalla, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

H.S. Bhalla, J.—The Appellants have knocked at the door of this Court for enhancement of compensation awarded by the 3rd Motor Accident Claims Tribunal, Rourkela (for short "the tribunal") vide award dated 02.09.2006 on account of the death of Jonson Tirkey in a motor vehicle accident, operative part of which, runs as under:

The M.A.C. case is allowed on ex parte against O.P. No. 1 & on contest against O.P. No. 2. But in the circumstances without cost with award of compensation of Rs. 1,54,500 (Rupees one lakh, fifty four thousand & five hundred) only as compensation in favour of the Petitioners along with interest at the rate of 6% per annum with effect from the date of claim application i.e. 25.2.2004 to be payable by O.P. No. 1, the owner of the offending truck who is to be indemnified by O.P. No. 2, the insurer, after adjusting the amount of Rs. 50,000 (Rupees fifty thousand) already paid to the Petitioners as no fault dues. Hence O.P. No. 2 is directed to pay the balance amount of compensation of Rs. 1,04,500 within sixty days hence. O.P. No. 2 is further directed to issue one cheque for Rs. 40,000 (Rupees forth thousand) only in favour of Petitioner No. 1 & two cheques each for Rs. 15,000 (Rupees fifteen thousand) only in favour of Petitioner No. 2 & 3 respectively which shall be kept in a fixed deposit for a period of five years in Canara Bank, Uditnagar, a Nationalised Bank. The rest amount of Rs. 34,500 along with upto date interest at the rate of 6% p.a. be paid in cash to Petitioner

No. 1, the mother of the deceased.

2. In order to avoid repetition, the other facts are not required to be reproduced herein since they have been recapitulated in detail in the award dated 2.9.2006 passed by the tribunal.

3. The Learned Tribunal after framing necessary issues & on assessment of the evidence available on record, passed the award of Rs. 1,54,500 in favour of the claimants as referred to above.

4. The grouse of the claimants in the instant appeal is that the Learned tribunal committed a grave error in awarding inadequate amount of compensation by not appreciating the evidence on record.

5. I have gone through the award passed by the Learned Tribunal & find that the same is well reasoned & based on appreciation of evidence available on record. The approach of the Learned Tribunal in awarding the aforesaid amount of compensation to the claimants cannot at all be said to be erroneous, which may warrant interference by this Court.

6. Learned Counsel appearing for the Appellant has not been able to point out any irregularities & impropriety in the impugned award dated 2.9.2006 passed by the Learned Tribunal nor any glaring defect on the point of Jaw, which has resulted in fragrant miscarriage of justice & which needs to be set right by this Court.

7. In the light of what has been observed above, appeal filed by the Appellant, being without any merit, fails & is hereby dismissed.