

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.3 of 2020

M/s. National Insurance Company Ltd. Appellant

Mr. P.K. Mahali, Advocate

-versus-

Smt. Anandabala Parida and Others Respondents

Mr. B. Singh, counsel for Respondents 1&2

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
15.3.2022**

Order No.

05. 1. Heard Mr. P.K. Mahali, learned counsel for the insurer – Appellant and Mr. B. Singh, learned counsel for claimant – Respondents.
2. Present appeal by the insurer is against the impugned judgment dated 28th June, 2019 of the learned 3rd MACT, Rairangpur passed in MAC Case No.05 of 2017 wherein compensation to the tune of Rs.32,29,488/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 19th May, 2017 has been granted on account of death of the deceased in the motor vehicular accident dated 31st January, 2017.
3. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.26,50,000/- along with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Singh, learned counsel for the claimant

– Respondents and Mr. Mahali, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

4. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit the reduced compensation amount of Rs.26,50,000/- (Twenty-six lakh fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 19th May, 2017 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion as per the direction of learned Tribunal.

5. The statutory deposit made by the appellant before this court along with accrued interest be refunded to the Appellant - insurer on proper application and on production of proof of deposit of the awarded amount before the tribunal.

6. The appeal is disposed of.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge