

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.617 of 2003

M/s. United India Insurance Co. Ltd.
represented through its Divisional ***Appellant***
Manager

Mr. M. Sinha, Advocate

-versus-

Banaka Bewa and Others ***Respondents***
None is present

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
22.7.2022

Order No.

06. 1. The matter is taken up through hybrid mode.
2. Heard Mr. M. Sinha, learned counsel for the insurer –
Appellant. No-one is present on call for the Respondents.
3. Present appeal by the insurer is directed against impugned
judgment dated 21st May, 2003 of learned 2nd MACT, Cuttack passed
in Misc. Case No.795 of 1991 wherein compensation to the tune of
Rs.84,200/- along with simple interest @ 6% per annum from the date
of filing of the claim application, i.e. 22nd January, 1992 has been
granted on account of death of the deceased in the motor vehicular
accident dated 29th April, 1991.
4. While challenging the impugned judgment, it is submitted by
Mr. Sinha that despite there is discrepancy in the registration number
of the offending vehicle, i.e. the Bajaj Scooter in the F.I.R. as well as

in the seizure lists, the learned tribunal has failed to notice the same and erroneously awarded compensation against the owner of the said Scooter and fixed the liability on the insurer.

5. Upon examination of the contention raised by Mr. Sinha and upon verification of the copy of the first information report in Athagarh P.S. Case No.53 of 1991 and other documents, copy of which are produced by Mr. Sinha in course of hearing, it reveals that in the body of the F.I.R. it is mentioned that 'Bajaj Scooter bearing registration number OAX 8009' and also in the seizure lists the same number has been mentioned. So, no discrepancy is noticed either in the F.I.R. or in the seizure lists as contended by Mr. Sinha on behalf of the Appellant.

6. Upon perusal of the impugned judgment, I do not see any illegality in determination of the quantum of compensation and fixation of liability on the insurer who is the present Appellant. It goes without saying that the validity of the insurance policy in respect of the offending vehicle bearing registration number OAX 8009 is not questioned. As such, the impugned judgment and determination of the quantum of compensation being appear wholesome, I am not inclined to interfere with the same. Resultantly, the appeal is dismissed.

7. The Appellant is directed to deposit the compensation amount including interest before the tribunal 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 contained in the impugned judgment.

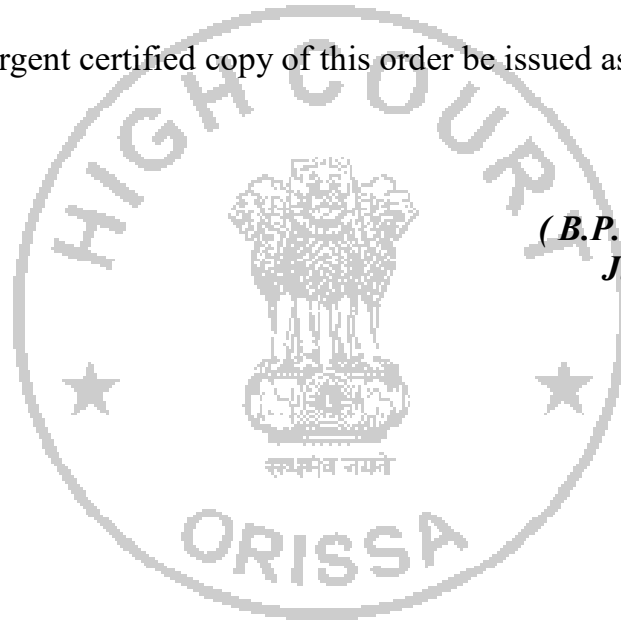
8. The statutory deposit made by the appellant before this court along with accrued interest be refunded to the Appellant - insurer on proper application and on production of proof of deposit of the awarded amount before the tribunal.

9. The appeal is disposed of.

10. The copies of the documents filed by Mr. Sinha in course of hearing, are kept on record.

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

M.K.Panda



(B.P. Routray)
Judge