

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.12 of 2022

***The Divisional Manager, M/s. National
Insurance Company Ltd.***

....

Appellant

Mr. Bijoy Dasmohapatra, Advocate

-versus-

Puspanjali Pani and Others

....

Respondents

Mr. P.K. Mishra, counsel for Respondents 1-3

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

26.4.2022

Order No.

- 02.
1. Heard Mr. Dasmohapatra, learned counsel for the insurer – Appellant and Mr. Mishra, learned counsel for claimant – Respondents 1-3.
 2. Present appeal by the insurer has been filed challenging the judgment dated 3rd August, 2021 of learned 1st MACT, Dhenkanal passed in MAC No.261 of 2016 wherein compensation to the tune of Rs.53,45,200/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 27th December, 2016 has been granted on account of death of the deceased in the motor vehicular accident dated 1st June, 2016.
 3. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.47,50,000/- along with interest @ 6% per annum is proposed to the parties in course of

hearing. This is agreed by Mr. Mishra, learned counsel for the claimant-Respondents and Mr. Dasmohapatra, learned counsel for the insurer leaves it to the discretion of the Court. As such, the amount is fixed to the above extent.

4. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation of Rs.47,50,000/- (forty-seven lakh fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 27th December, 2016 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents 1 to 3 on such terms and proportion to be decided by 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. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge