

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.671 of 2007

MACA No.671 of 2007 & 1068 of 2007

Gande Minz and Others (in MACA No.671/2007)
General Manager, National Insurance Company Ltd. (in MACA No.1068/2007)
.... ***Appellants***

Ms. S. Mohanty, Advocate (in MACA No.671/2007)
Mr. A. Das, Advocate (in MACA No.1068/2007)

-versus-

Pankaj Kumar Patel (since dead)
through his LRs and Another (In MACA No.671/2007)
Gande Minz @ Kujuru and Others (In MACA No.1068/2007)
.... ***Respondents***

Mr. A. Das, counsel for Respondent No.2
(in MACA No.671 of 2007)

Ms. S. Mohanty, counsel for Respondents 1 to 3
(in MACA No.1068 of 2007)

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.12.2022

Order No.

- 17.
1. The matters are taken up through hybrid mode.
 2. Heard Ms. S. Mohanty, learned counsel for the claimants and Mr. A. Das, learned counsel for insurance company.
 3. Though the matters are listed for orders, but on the request of both parties the same are taken up for final hearing.

4. Ms. Mohanty seeks and permitted to correct the consolidated cause title in the court.

5. Both the appeals being arise out of same common impugned judgment, are heard together and disposed of by this common order.

6. Both the appeals are directed against the impugned judgment dated 20th April, 2007 of learned 2nd MACT, Northern Division, Sambalpur passed in Misc. (A) Case No.379 of 1997 (SN) and batch. Present appeals are in respect of Misc.(A) Case No.378 of 1997 (SN), wherein compensation to the tune of Rs.1,00,000/- has been granted in favour of the claimants with adjustment of Rs.50,000/- already paid under Section 140 of the MV Act on account of death of the deceased in the motor vehicular accident dated 21st May, 1995.

7. MACA No.1068 of 2007 has been filed by the insurer challenging the award and MACA No.671 of 2007 has been filed by the claimants praying for enhancement of the compensation amount.

8. Learned tribunal while granting the award has further granted liberty in favour of the insurer to recover the amount from the owner.

9. In view of the reasons given with discussions made in the connected appeal, i.e. MACA No.670 & 1071 of 2007, the challenges advanced by the insurer as well as the claimants in the present appeals are dealt with and the same are not repeated here. Accordingly, both the appeals are disposed of and the award amount granted by the tribunal along with interest is confirmed.

10. At this stage it is submitted by Ms. Mohanty, learned counsel that the claimants have not received the amount of Rs.50,000/- in

terms of direction of the tribunal passed under Section 140 of the MV Act and therefore, the entire amount of Rs.1,00,000/- be paid to them.

The learned tribunal is directed to verify the same on record and if found that the claimants have not received the amount granted under Section 140 of the MV Act, then pay the entire amount of Rs.1,00,000/- (one lakh) along with interest to the claimants.

11. Accordingly, the insurance company is directed to deposit the balance amount of Rs.50,000/- (fifty thousand) before the tribunal along with interest @ 6% as directed by it, within a period of two months from today; where-after the same shall be disbursed in favour of claimants on the same terms and proportion as contained in the impugned judgment.

12. The statutory deposit made by the insurer before this court in MACA No.1068 of 2007 along with accrued interest be refunded on proper application and on production of proof of deposit before the tribunal.

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

(B.P. Routray)
Judge