

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.315 of 2007

*The National Insurance Company Ltd.,
through the Officer-in-Charge, Legal
Cell, Cantonment Road, Cuttack* *Appellant*

-versus-

Kamini Behera and Others *Respondents*

Mr. S.K. Sarangi, Senior Counsel for Respondent No.6
Mr. P.K. Pattnaik, counsel for Respondents 1-3

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
7.12.2022

Order No.

I.A. No.1230 of 2022

- 32.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. S.K. Sarangi, learned Senior Counsel for Respondent No.6, the Petitioner in the present I.A. and Mr. P.K. Pattnaik, learned counsel for claimant – Respondents 1, 2 and 3.
 3. It is prayed by the Petitioner that its' share of 50% for the compensation amount, which has been deposited before this court, be released in favour of the claimants in terms of the direction contained in the impugned judgment.
 4. There were two insurance companies, i.e., one in respect of the offending trekker and other in respect of the offending truck. The liability of the compensation was divided between both the insurance companies to the extent of 50% each. The appeal preferred by the insurer of the trekker was allowed and he was exonerated from its

liability. However, the present Petitioner, Respondent No.6 in the appeal, who is the insurer of the truck challenged his portion of liability in a separate appeal which was dismissed and accordingly the cross-objection filed by him in the present appeal was also dismissed. Therefore, the question of liability of Respondent No.6 as directed by the tribunal in the impugned judgment remains as it is and in satisfaction of such liability, it is now prayed in the present I.A. by said Respondent No.6 to release the amount deposited by it before this court.

5. Accordingly, the amount deposited by Respondent No.6 before this court in terms of order dated 17th September, 2014 with accrued interest thereof be released in favour of the claimant – Respondents No.1, 2 and 3 on proper identification.

6. It needs to be mentioned here that as per the direction of the tribunal as contained in the impugned judgment, no date of payment of interest has been mentioned therein. The claimant – Respondents are at liberty to approach learned Tribunal on the said aspect if any dispute arose and the tribunal, on filing of such application by the claimants would clarify the date from which payment of interest would be payable.

7. With aforesaid observation and direction, the I.A. is disposed of.

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

(B.P. Routray)
Judge