

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.17 of 2022

The D.M. (Legal), M/s.National Insurance Co. Ltd. ***Appellant***

Mr. P.K. Mahali, Advocate

-versus-

Sukanti Swain and others ***Respondents***

Mr. D. Pattanaik, Advocate for Respondent Nos.1 to 3

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
15.03.2022

Order No.

03.

1. Heard Mr. P.K. Mahali, learned counsel for the Appellant-Insurance Company as well as Mr. D. Pattanaik, learned counsel for the Respondent Nos.1 to 3-claimants.

2. Present appeal by the insurer is directed against the judgment dated 28.8.2021 of the learned 3rd MACT, Jagatsinghpur in MAC Case No.1370 of 2014 wherein the learned Tribunal has granted compensation to the tune of Rs.13,87,390/- along with 7% interest per annum to the claimants from 08.08.2014 on account of death of the deceased in the motor vehicular accident dated 5.5.2014.

3. Having heard both the parties and considering the challenges advanced, a reduced compensation to the tune of Rs.9,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. D. Pattanaik, learned counsel for the claimants-

Respondent Nos.1 to 3 agrees to the same and Mr. P.K. Mahali, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. Accordingly, the Insurance Company is directed to deposit the modified amount of Rs.9,00,000/- (rupees nine lakhs only) along with interest @6% per annum from 8.8.2014 before the learned Tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion as directed by the Tribunal.

5. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

6. The MACA is disposed of with aforesaid directions.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge