

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.918 of 2009

***The New India Assurance Company
Ltd. represented through the Divisional
Manager*** ***Appellant***

Mr. S.K. Swain, Advocate

-versus-

Sushil Kumar Nayak and Others ***Respondents***

Mr. D. Patnaik, counsel for Respondents 2 & 3

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
21.9.2022

Order No.

13. 1. The matter is taken up through hybrid mode.
2. Heard Mr. S.K. Swain, learned counsel for the insurer-
Appellant and Mr. D. Patnaik, learned counsel for claimant –
Respondent Nos.2 & 3.
3. Present appeal by the insurer is against the impugned judgment
dated 22nd May, 2009 of the learned 4th MACT, Jharsuguda passed in
MAC Case No. 24 of 2007 wherein compensation to the tune of
Rs.3,14,000/- along with interest @ 9% per annum from the date of
filing of the claim application, i.e. 28th July, 2007 has been granted on
account of death of deceased Manas Naik in the motor vehicular
accident dated 14th May, 2007.
4. Upon hearing both parties and considering the grounds of
challenge as advanced, a reduced compensation of Rs.3,00,000/-
along with 6% is proposed to the parties. This is agreed by Mr.

Patnaik, learned counsel for the claimant – Respondents and Mr. Swain, learned counsel for the Appellant leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit a reduced compensation amount of Rs.3,00,000/- (three lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 28th July, 2007, within a period of two months from today, which shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the tribunal.

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

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

(B.P. Routray)
Judge

M.K.Panda