

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.26 of 2019 & MACA No.91 of 2019

In MACA No.26 of 2019

National Insurance Company Limited ***Appellant***
Mr. J.R. Deo, Advocate

-versus-

Nagendra Biswal and another ***Respondents***
Mr. B.N. Rath, Advocate for Respondent No.1

In MACA No.91 of 2019

Nagendra Biswal ***Appellants***
Mr. B.N. Rath, Advocate

-versus-

Jyoti Ranjan Ray and another ***Respondents***

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
10.05.2022

Order No.

MACA Nos.26 & 91 of 2019

11. 1. Heard Mr. J.R. Deo, learned counsel for the Insurance Company and Mr. B.N. Rath, learned counsel for the claimant.
2. The Appellant in MACA No.91 of 2019 being the claimant is exempted from payment of court fees for the time being to be paid at the time of disbursal of the compensation amount. Accordingly, the I.A. No.195 of 2019 is disposed of.
3. Both the appeals being arise out of the same judgment dated 25.08.2018 of the learned 4th MACT, Cuttack in M.A.C. No.526

of 2012/464 of 2017 wherein compensation to the tune of Rs.26,99,913/- has been granted along with interest @6% per annum to the claimant from the date of filing of the claim application, i.e.22.8.2012, are heard together and disposed of by this common order.

4. MACA No.26 of 2019 has been filed by the Insurance Company challenging the award and MACA No.91 of 2019 has been preferred by the claimant praying for enhancement of the compensation amount.

5. Upon hearing both the parties and considering the grounds of challenge advanced by respective parties, a reduced compensation of Rs.21,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. B.N. Rath, learned counsel for the claimant agrees to the same and Mr. J.R. Deo, learned counsel for the Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. In the result, both the appeals are disposed of with a direction to the Insurance Company to deposit the reduced compensation of Rs.21,00,000/- (rupees twenty-one lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.22.08.2012 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant on such terms and proportion to be fixed by the Tribunal.

7. 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 in MACA No.26/2019 before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company

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

(B.P. Routray)
Judge

B.K. Barik

