

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.744 of 2017

Zonal Manager, Reliance G.I.Co. Ltd.* *Appellant
Mr.G.P.Dutta, Advocate

-versus-

Susmita Nayak and others* *Respondents
Mr.B.Singh, Advocate for Respondent nos. 1 to 4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
29.09.2022

Order No.

9.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Dutta, learned counsel for the Appellant and Mr.Singh, learned counsel for the claimants-Respondent Nos.1 to 4.
3. Present appeal by the Insurer is directed against the judgment dated 18th May, 2017 passed by the Motor Accidents Claims Tribunal-I, Baleswar in M.A.C. Case No.261 of 2015, wherein compensation to the tune of Rs.23,01,750/- has been granted along with interest @ 7.5% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 3rd December, 2014.

4. Mr.Dutta contends that the deceased was having ten wheeler vehicles which remained with the claimants after death of the deceased. Therefore no substantial loss of income suffered on account of death of the deceased.

5. After hearing Mr.Singh for the claimants, it reveals from the impugned judgment that no such rebuttal evidence has been adduced from the side of the insurer to establish the fact of continuance of income from those vehicles by the claimants after death of the deceased. However, considering the relevant facts like continuance of possession of the vehicles with the claimants and the source of income of the deceased, the compensation amount is reduced to Rs.20,00,000/-(Twenty lakhs) payable along with interest at the rate of 6% per annum from the date of application.

6. The Insurer-Appellant is directed to deposit the reduced compensation amount of Rs.20,00,000/- (Twenty lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application 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 to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, the appeal is disposed of.

8. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

9. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

