

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.534 of 2017

The Oriental Insurance Company Ltd.
through its Authorized Manager ***Appellant***

Mr. D.P. Dash, Advocate

-versus-

Harisankar Mahanta and Another ***Respondents***

Mr. P.K. Mishra, counsel for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
1.8.2022

Order No.

- 05.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. D.P. Dash, learned counsel for the insurer – Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondent No.1.
 3. Present appeal by the insurer is against the impugned judgment dated 18th February, 2017 of the learned 3rd MACT, Balasore passed in MAC Case No.37/231 of 2010/2007 wherein compensation to the tune of Rs.2,30,000/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 26th November, 2007 has been granted on account of injuries sustained by the injured-claimant in the motor vehicular accident dated 8th November, 2007.
 4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.2,00,000/- along with interest @ 6% per annum is proposed to the parties in course of

hearing. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondent No.1 and Mr. Dash, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

5. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit a reduced compensation amount of Rs.2,00,000/- (two lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 26th November, 2007 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant – Respondent No.1 on such terms and proportion to be decided by the learned Tribunal.

6. However, as prayed on behalf of the Appellant, it is open for it to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

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

8. The appeal is disposed of.

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

(B.P. Routray)
Judge