

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.42 of 2019 And MACA No.202 of 2018

MACA No.42 of 2022

The Divisional Manager,

The United India Insurance Co. Ltd.

.... Appellant

Mr.M.C.Nayak, Advocate

-versus-

Durga Prasan Panigrahi and another

.... Respondents

Mr.P.KMishra, Advocate for Respondent No.1

AND

MACA No.202 of 2018

Durga Prasan Panigrahi

.... Appellant

Mr.P.K.Mishra, Advocate

-versus-

Mohan Singh and another

.... Respondents

Mr.M.C.Nayak, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

18.10.2022

Order No.

08.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Nayak, learned counsel for the Insurer and Mr.Mishra, learned counsel for the claimant.
3. Both the appeals arise out of the same judgment dated 6th December, 2017 passed by the learned 1st M.A.C.T., Jajpur in M.A.C. Case No.48 of 2014, wherein compensation to tune of

Rs.11,03,250/- along with interest @7.5% per annum has been granted from the date of filing of the claim application on account of injuries sustained by the claimant in the motor vehicular accident dated 21th September, 2013.

4. MACA No.42 of 2019 has been preferred by the Insurer challenging the compensation amount and MACA No.202 of 2018 has been filed by the claimant praying for enhancement of the compensation amount.

5. Upon hearing both parties and considering all such grounds advanced in both the appeals, an enhanced compensation of Rs.16,00,000/- 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. Mr.Nayak, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer is directed to deposit the enhanced compensation of Rs.16,00,000/- (Sixteen lakhs) along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, both the appeals are disposed of.

8. The statutory deposit made by the Insurer in MACA No.42 of 2019 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

