

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.43 of 2019 & MACA No.374 of 2019

In MACA No.43 of 2019

Rajesh Mohanty ***Appellant***
Mr. B.N. Samantaray, Advocate
-versus-
Mr. Kuldeep Singh and another ***Respondents***
Mr. G.P. Dutta, Advocate for Respondent No.2

In MACA No.374 of 2019

The Branch Manager, Reliance ***Appellant***
General Insurance Co. Ltd.
Mr. G.P. Dutta, Advocate
-versus-
Rajesh Mohanty and another ***Respondents***
Mr. B.N. Samantaray, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
31.03.2022

Order No.

MACA No.43 of 2019 & MACA No.374 of 2019

- 07.
1. Heard Mr. B.N. Samantaray, learned counsel for claimant as well as Mr. G.P. Dutta, learned counsel for the Insurance Company.
 2. The service of notice on Respondent No.2 (owner) in MACA No.374 of 2014 is treated sufficient in terms of the provision contained under Order 5 Rule 9 C.P.C.

3. Both the appeals being arisen out of the same judgment are heard together and disposed of by this common order.

4. Both the appeals are against the common judgment dated 27.12.2018 in MAC Case No.32 of 2010 of 1st M.A.C.T., Kendrapara, wherein learned Tribunal has granted compensation to the tune of Rs.70,000/- along with 6% interest per annum to the claimant from the date of filing of the application i.e.27.08.2010 on account of injury sustained by the claimant in the motor vehicular accident dated 12.3.2010.

5. In MACA No.43 of 2019, the claimant has prayed for enhancement of the compensation amount. MACA No.374 of 2019 has been filed by the Insurance Company challenging the quantum of compensation.

6. Mr. B.N. Samantaray, learned counsel for the claimant as well as Mr. G.P. Dutta, learned counsel for the Insurance Company submits that the appeals can be disposed of granting liberty to the insurer for recovery of compensation amount from the owner.

7. Accordingly, both the appeals are disposed of by confirming the impugned judgment of the learned Tribunal dated 27.12.2018 in MAC Case No.32 of 2010 and the insurer, i.e.Reliance General Co. Ltd. is granted liberty to proceed against the owner for recovery of the compensation amount after giving opportunity of hearing to the owner.

8. The insurer (Appellant in MACA No.374 of 2019 and Respondent No.2 in MACA No.43 of 2019) is directed to deposit the award amount of Rs.70,000/- (rupees seventy thousand) before the learned Tribunal along with interest @6% per annum from the date of filing of claim application i.e.27.08.2010 within a period of two months from today; whereafter the same shall be the disbursed in favour of the claimant.

9. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit before this Court with a refund application, the statutory deposit made before this Court in MACA No.374 of 2019 with accrued interest thereon shall be refunded to the Insurance Company.

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

(**B.P. Routray**)
Judge