

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1084 of 2012

***The New India Assurance Company
Ltd., represented through Deputy
Manager, T.P.Cell, Badambadi, Cuttack Appellant***

Mr. Amitav Das, Advocate

-versus-

Radhakishore Mohanty and Others Respondents

Mr. B. Singh, counsel for Respondents 1&2

Mr. S.K. Mohanty, on behalf of Mr. G.P. Dutta,
counsel for Respondent No.5 (the other insurer)

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
23.11.2022**

Order No.

13. 1. The matter is taken up through hybrid mode.
2. Heard Mr. A. Das, learned counsel for the insurer – Appellant, i.e. New India Assurance Company Ltd., Mr. B. Singh, learned counsel for claimant – Respondents 1 and 2 and Mr. S.K. Mohanty on behalf of Mr. G.P. Dutta, learned counsel for the other insurance company, i.e. Oriental Insurance Company Ltd. – Respondent No.5.
3. Present appeal is directed against the impugned judgment dated 25th September, 2012 of learned 3rd MACT, Balasore passed in MAC Case No.40/201 of 2003/1999 wherein compensation to the tune of Rs.1,50,000/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 23rd December, 1999 has been

granted on account of death of the deceased Bindusagar Mohanty in the motor vehicular accident dated 17th November, 1998.

4. Upon hearing all the parties and considering the limited amount of compensation, i.e. Rs.1,50,000/- granted by the tribunal with right of recovery granted in favour of the Appellant, the same is confirmed. However, the rate of interest is reduced to 6% from 7.5%.

5. In the result the appeal is disposed of with a direction to the insurer – Appellant, i.e. New India Assurance Co. Ltd. to deposit the total compensation amount of Rs.1,50,000/- (one lakh fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 23rd December, 1999, within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents on the same terms and proportion as contained in the impugned judgment.

6. The statutory deposit made by the insurer before this court along with accrued interest be refunded on proper application and on production of proof of deposit before the tribunal.

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

(B.P. Routray)
Judge