

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No. 556 of 2017**

***National Insurance Co. Ltd.*** .... ***Appellant***

***-versus-***

***Bimbadhar Sahu & Others*** .... ***Respondents***

**CORAM:  
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
03.03.2022**

**Order  
No.**

09.           1.       This matter is taken up through Hybrid mode.
2.       Heard Mr. C.R. Swain, learned counsel for the Appellant, Mr. B. Singh, learned counsel for the Respondent No.2 and Mr. D.K. Patra, learned counsel for the Respondent No.3.
3.       This appeal has been filed by the Appellant-Company challenging the award passed by the learned 3<sup>rd</sup> Motor Accident Claims Tribunal, Balasore in M.A.C. No.97 of 2013 vide judgment dated 14.12.2016.
4.       It is the contention of the learned counsel for the Appellant that the learned Tribunal while allowing the claim

with a direction to pay a sum of Rs.3,94,700/- as compensation with interest @ 7.5 % Per Annum from the date of filing of the application i.e. from 18.03.2013 till the date of payment, has not taken into consideration various legal points raised by the Appellant-Company.

5. It is the further contention of the learned counsel for the Appellant that since the deceased was working as a Helper in the offending vehicle-in-question, he is not covered by the policy and accordingly, no compensation should have been awarded in his favour.

6. Per contra, it is the submission of the learned counsel for the Claimant-Respondent No.2 that in view of the provision contended under Section 147 of the Motor Vehicles Act, 1988, the deceased is eligible and entitled to get the compensation, as he being the Helper of the offending vehicle, he is covered by the policy.

7. Having heard learned counsel for the Appellant-Company and learned counsel for the Respondent No.2 while passing the award in favour of the Claimants-Respondents, the Tribunal has not taken into consideration the objection raised by the Appellant-Company in its proper perspective and the interest awarded i.e. @ 7.5 % Per Annum, is on the higher side.

8. Therefore, taking into account the grounds taken by the Appellant-Company and the submission made by the learned

counsel for both the parties while interfering with the award passed by the learned Tribunal, I deem it fit and proper to reduce the compensation amount of Rs.3,94,700/- to Rs.3,50,000/- with interest @ 6.5 % Per Annum. Both the counsels appearing for the respective parties also agree to the same.

9. Accordingly, it is directed that the Appellant-Company shall pay the aforesaid compensation amount of Rs.3,50,000/- with interest @ 6.5 % Per Annum from the date of application i.e. 18.3.2013 till the date of payment. The Appellant-Company is directed to pay the aforesaid amount along with the interest within a period of eight weeks from today.

10. It is observed that only after payment of the amount of compensation so determined by this Court along with interest, the Appellant-Company shall be permitted to withdraw the statutory deposit along with the accrued interest from the Registry of this Court.

11. With the aforesaid observation and direction, the MACA stands disposed of.

**(Biraja Prasanna Satapathy)**  
**Judge**

*Subrat*