

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.95 of 2015

National Insurance Co. Ltd.

Appellant

-versus-

Bhuban Behera & Ors.

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
14.03.2022**

Order No

12. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. Goutam Mishra, learned Senior Counsel appearing on behalf of the Appellant-Company, Mr. S.K. Sahu and associates appearing for the Claimant-Respondent No.2, Mr. D.R. Mishra appearing for the Claimant-Respondent No.1 and Mr. G.P. Dutta appearing for the Respondent No.5.

3. This Appeal has been filed by the Appellant-Company challenging the judgment dated 10.11.2014 passed by the learned District Judge –cum- 1st MACT, Deogarh in MAC Case No.41 of 2009.

4. Vide the said judgment, learned Tribunal while allowing the claim directed the Appellant-Company to pay the compensation amount of Rs.4,06,000/- (Rupees four lakhs six thousand) with interest @ 6% per annum from the date of filing of the application i.e. 05.10.2009 till its realization.

5. Mr. Mishra, learned Advocate for the Appellant submitted that in a connected claim Application in MAC Case No.42 of 2009 arising out of the same incident, learned Tribunal apportioned the liability between the Appellant and Respondent No.5-Company at the rate of 50:50 basis. Accordingly he prayed for disposal of the present Appeal by fixing the liability between the Appellant-Company and Respondent No.5-Company at the rate of 50:50.

6. It was also submitted by Mr. Mishra, learned counsel appearing for the Appellant-Company and Mr. Dutta, learned counsel appearing for the Respondent No.5 that the Parties have agreed to settle the amount at Rs.3,86,000/- (Rupees three lakhs eighty six thousand) with interest @ 6% per annum from the date of filing of the Appeal till its realization.

7. In view of such submission of the learned counsels appearing for respective Parties, this Court while disposing the Appeal direct the Appellant-Company and Respondent No.5-Company to deposit the amount of compensation so decided by the Parties i.e. Rs.3,86,000/- (Rupees three

lakhs eighty six thousand) with interest @ 6% per annum from the date of filing of the application till its realization before the learned Tribunal within a period of six weeks from today.

8. On such deposit of the compensation amount as indicated above, the same shall be proportionately disbursed in favour of the Claimant by the learned Tribunal. The impugned award is modified accordingly.

9. It is observed that on deposit of the compensation amount of Rs.3,86,000/- (Rupees three lakhs eighty six thousand) along with interest @ 6% per annum from the date of filing till its realization, the Appellant-Company shall be permitted to take refund of the statutory deposits along with accrued interest from the Registry of this Court on proper identification. The Appeal is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha