

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1369 of 2016

***The Manager, Oriental Insurance Co. Appellant
Ltd.***

Mr. G.P. Dutta, Advocate

-versus-

Sabita Kulu and others Respondents

Mr. P.K. Nayak, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

20.10.2022

Order No.

08.

1. Though this matter was listed under the heading “For Orders” on the application of stay, but on the request of both the parties, the same is taken up for final hearing.

2. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Nayak, learned counsel for the Respondent No.1-claimant.

3. Present appeal by the insurer is directed against the judgment dated 09.09.2016 of learned 3rd M.A.C.T., Rourkela in M.A.C. Case No.356 of 2015 wherein compensation to the tune of Rs.4,84,200/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 25.11.2015.

4. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.3,50,000/-

along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Nayak, learned counsel for the claimants agrees to the same and Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

5. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.3,50,000/- (rupees three lakhs fifty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

6. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

7. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge