

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.70 of 2019

D.M., New India Assurance Co. Ltd. ***Appellant***
Mr.S.Satpathy, Advocate

-versus-

Nisha Devi and others ***Respondents***
Mr.B.N.Rath, Advocate for Respondent Nos.1 to 5

CORAM:
JUSTICE B. P. ROUTRAY

ORDER

12.4.2022

Order No.

11.

1. Heard Mr.Satpathy, learned counsel for the Appellant-Insurer and Mr.Rath, learned counsel for claimants-Respondent Nos.1 to 5.

2. Present appeal by the Insurer is against judgment dated 13th August, 2018 of the learned Addl.District Judge-cum-3rd MACT, Jharsuguda in M.A.C. No.19 of 2016, wherein compensation to the tune of Rs.45,68,200/- has been granted along with interest @ 7% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 3rd November, 2015.

3. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.41,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Rath, learned counsel for the claimants-Respondent Nos.1 to 5. Mr.Satpathy, learned

counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

4. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.41,00,000/-(Forty one lakhs) 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 same terms and proportion as directed by the Tribunal. However, as prayed for by the Appellant, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

5. With aforesaid modification in the compensation amount, the appeal is disposed of.

6. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

7. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge