

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.56 of 2021

***The Divisional Manager, Oriental
Insurance Company Ltd.***

....

Appellant

Mr. Adam Ali Khan, Advocate

-versus-

Bidyut Kumari Mohapatra and Ors.

....

Respondents

Ms. Deepali Mohapatra, counsel for Respondents 1-3

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

22.3.2022

Order No.

- 06.
1. Heard Mr. A.A. Khan, learned counsel for the insurer – Appellant and Ms. D. Mohapatra, learned counsel for claimant – Respondents.
 2. Present appeal by the insurer has been filed challenging the judgment dated 10th February, 2020 of learned 4th MACT, Bhubaneswar passed in C.M. No.58 of 2019 arising out of MAC No.344 of 2004 wherein compensation to the tune of Rs.56,68,635/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 27th July, 2004 has been granted on account of injuries sustained by the original claimant in the motor vehicular accident dated 17th May, 2004.

3. Mr. Khan contends that the insurer is not liable to pay interest from the date of filing of the claim application since the claimants dragged the case till the year 2020.

4. Ms. Mohapatra, learned counsel appearing for the claimants rebuts such submission of Mr. Khan by stating that the witness was examined in the year 2007, and denies their role in lingering the case.

5. Having heard both parties and considering the grounds advanced, a reduced consolidated compensation of Rs.88,00,000/- is proposed to the parties in course of hearing. This is agreed by Ms. Mohapatra, learned counsel for the claimants and Mr. Khan, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the above extent.

6. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced consolidated compensation of Rs.88,00,000/- (eighty-eight lakhs) before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant on such terms and proportion to be decided by the learned Tribunal.

7. It is made clear that in case the amount is not deposited within the time stipulated, the same shall carry interest @ 6% per annum from today, i.e. 22nd March, 2022.

8. The statutory deposit made by the appellant before this court along with accrued interest be refunded to the Appellant - insurer on proper application and on production of proof of deposit of the awarded amount before the tribunal.

9. The appeal is disposed of.
10. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

