

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.200 of 2018

National Insurance Company Limited ***Appellant***
Mr. J.R. Deo, Advocate on behalf of Mr. G. Mishra, Senior
Advocate

-versus-

Manorama Mahato and another ***Respondents***
Mr. K. Panigrahi, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
20.10.2022

Order No.

06.

1. Heard Mr. J.R. Deo, learned counsel, on behalf of Mr. G. Mishra, learned Senior Advocate for the Appellant-Insurance Company as well as Mr. K. Panigrahi, learned counsel for the Respondent No.1-claimant.
2. Present appeal by the insurer is directed against the judgment dated 03.11.2017 of learned 3rd M.A.C.T., Rourkela in M.A.C. Case No.305 of 2015 wherein compensation to the tune of Rs.6,65,000/- has been granted along with interest @6% per annum to the claimant from the date of filing of the claim application, i.e.03.11.2015 on account of injury sustained by her in the motor vehicular accident dated 29.07.2015.
3. The entire contention of the insurer is against the quantum of compensation. As per Mr. Deo, learned counsel for the Appellant, the quantification of the amount to the tune of Rs.3,00,000/- towards loss of enjoyment of life and Rs.2,00,000/- towards pain and suffering are excessive.

4. It is seen that the injured-claimant is a minor girl aged about 12 years and she has suffered with permanent disability to the extent of 45%. She has also undergone treatment as indoor patient for substantial period. Therefore, no justifiable reason is found to disturb the finding of the learned Tribunal regarding grant of such amount of compensation towards pain and suffering as well as loss of future amenities of life and prospects of marriage.

5. Accordingly, the appeal is dismissed and the Appellant – Insurance Company is directed to deposit the entire compensation of Rs.6,65,000/- (rupees six lakhs sixty-five thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e. 03.11.2015 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant on the same terms and proportion contained in the impugned judgment.

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

(B.P. Routray)
Judge