

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.678 of 2017

***The Divisional Manager, M/s. Future
General India Insurance Company Ltd. Appellant***

Mr. Adam Ali Khan, Advocate

-versus-

Mamata Rani Biswal and Another Respondents

Mr. R.C. Behera, counsel for Respondent No.1

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
10.02.2022**

Order No.

05. 1. Heard Mr. A.A. Khan, learned counsel for the insurer – Appellant and Mr. R.C. Behera, learned counsel for Respondent No.1.
2. The present appeal by the insurer is against the impugned judgment dated 25th March, 2017 of the learned 1st MACT, Cuttack in MAC No.1341 of 2010 wherein compensation to the tune of Rs.7,79,432/- has been granted along with interest @ 7% per annum from 28th December, 2010, i.e. the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 1st June, 2010.
3. It is submitted by Mr. Khan, learned counsel for the Appellant that though the vehicle, i.e. Truck bearing Registration No.OR 21 6991 was not involved in the accident, but has been subsequently manipulated to facilitate compensation to the claimants.

4. Upon hearing Mr. Behera, learned counsel for the claimant – Respondent and perusal of the impugned judgment it reveals that such contention as raised on behalf of the Appellant was never agitated before the Tribunal nor any evidence to that effect was adduced by the insurer.

5. In course of hearing a reduced compensation amount of Rs.7,00,000/- along with interest @ 6% was proposed to the parties to which learned counsel for the Claimant – Respondent agreed and Mr. Khan left it to the discretion of the Court.

6. Accordingly, the insurer – Appellant is directed to deposit the reduced/modified compensation amount of Rs.7,00,000/- before the learned tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 28th December, 2010 within a period of two months from today, where-after the same shall be disbursed in favour of the claimants on the same terms and proportion as directed by the learned Tribunal in the impugned judgment.

7. 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.

8. The appeal is disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge