

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1 of 2017

The Oriental Insurance Co. Ltd. ***Appellant***
Mr. S.K. Mohanty, Advocate on behalf of Mr. G.P.Dutta,
Advocate

-versus-

Sri Mahendra Jena and others ***Respondents***
Mr. B. Singh, Advocate for Respondent Nos.1 & 2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
29.11.2022

Order No.

05.

1. Heard Mr. S.K. Mohanty on behalf of Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company as well as Mr. B. Singh, learned counsel for the Respondent Nos.1 & 2-claimant.

2. Present appeal by the insurer is directed against the judgment dated 29.09.2016 of learned M.A.C.T.-IV, Baleswar in M.A.C. Case No.120/197 of 2014-2010, wherein compensation to the tune of Rs.5,02,000/- has been granted along with interest @7.5% per annum to the claimants from the date of filing of the claim application, i.e.22. 05.2010 on account of death of the deceased in the motor vehicular accident dated 13.3.2010.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.4,75,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. B. Singh, learned counsel for the claimants agrees to the same and Mr. S.K. Mohanty, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the

Court. The compensation amount is accordingly fixed to that extent.

4. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.4,75,000/- (rupees four lakhs seventy-five thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e. 22.05.2010 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. However, as prayed on behalf of 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. 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.

6. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge