

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1192 of 2014

National Insurance Co. Ltd.
represented through its Officer-in-
Charge, Orissa Legal Cell

.... ***Appellant***

Mr. Amitav Das, Advocate

-versus-

Bikash Karua and Others

.... ***Respondents***

Mr. P.K. Mishra, counsel for Respondents 1&2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
16.9.2022

Order No.

06.

1. The matter is taken up through hybrid mode.
2. Heard Mr. A. Das, learned counsel for the insurer-Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondent Nos.1 & 2.
3. Present appeal by the insurer is against the impugned common judgment dated 21st August, 2014 of the learned 4th MACT, Keonjhar passed in MAC Case No.101/234 of 2013-06 wherein compensation to the tune of Rs.1,45,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 23rd September, 2006 has been granted on account of death of Jati Karua in the motor vehicular accident dated 14th August, 2006.
4. Upon hearing both parties and considering the grounds of challenge as advanced, this court does not find any merit in the appeal to interfere with the award keeping in view the amount granted as well

as computation of the same. However, the rate of interest is reduced to 6% from 7%.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the entire compensation amount before the tribunal directed by it along with interest @ 6% per annum within a period of two months from today, which shall be disbursed in favour of the claimant – Respondent No.1 on same terms and proportion contained in the impugned judgment. However, as prayed on behalf of the Appellant, it is open for it 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.

6. It goes without saying that the penal interest of 8% is waived.

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

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

(B.P. Routray)
Judge