

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.54 of 2022**

***National Insurance Company Ltd.***  
***represented through the Divisional*** ..... ***Appellant***  
***Manager***

Mr. G.P. Dutta, Advocate

**-versus-**

***Herman Bara and Others*** ..... ***Respondents***

Mr. P.K. Mishra , counsel for Respondents 1-4

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

**ORDER**  
**23.8.2022**

**Order No.**

03.      1.      The matter is taken up through hybrid mode.
2.      Heard Mr. G.P. Dutta, learned counsel for the insurer – Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondent Nos.1-4.
3.      Present appeal by the insurer is against the impugned judgment dated 30<sup>th</sup> October, 2021 of the learned 3<sup>rd</sup> MACT, Rourkela, District-Sundargarh passed in MAC Case No.80 of 2015 wherein compensation to the tune of Rs.32,45,702/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 20<sup>th</sup> February, 2015 has been granted on account of death of the deceased Lukas Pitar Bara in the motor vehicular accident dated 30<sup>th</sup> August, 2014.
4.      Having heard both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.30,00,000/- along

with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondents and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

5. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit a reduced compensation amount of Rs.30,00,000/- (thirty lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 20<sup>th</sup> February, 2015 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the learned Tribunal.

6. This court has not disturbed the finding of the tribunal with regard to right of recovery granted in favour of the Appellant.

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

**( B.P. Routray )**  
**Judge**