

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1078 of 2016

***Legal Manager, M/s. Choramandalam
General Company Ltd.***

.... ***Appellant***

Mr. A.A. Khan, Advocate

-versus-

Hemayatun Nisha and Others

.... ***Respondents***

Mr. K.K. Das, counsel for Respondents 1-4

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
3.11.2022

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. A.A. Khan, learned counsel for the insurer - Appellant and Mr. K.K. Das, learned counsel for the claimant – Respondents.
 3. Present appeal by the insurer is against the impugned judgment dated 13th May, 2016 of the learned 1st MACT, Cuttack passed in MAC Case No.31 of 2011 wherein compensation to the tune of Rs.46,57,033/- along with interest @ 7% per annum from the date of filing of the claim application has been granted on account of death of deceased Sk. Abdul Rashid in the motor vehicular accident dated 22nd September, 2010.
 4. Upon hearing both parties and considering all such grounds raised, a reduced compensation of Rs.40,00,000/- along with interest @6% is proposed to the parties. This is agreed by Mr. Das, learned counsel for the claimant – Respondents and Mr. Khan, learned

counsel for the insurer leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation amount of Rs.40,00,000/- (forty lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, 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. 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.

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

(B.P. Routray)
Judge