

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.60 of 2022

***The Manager, Sri Ram General
Insurance Company Ltd.***

.... ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Sukamani Badi and Others

.... ***Respondents***

Mr. G.C. Swain , counsel for Respondents 1-4
Ms. Rasmita Singh, counsel for Respondent No.5

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

**ORDER
23.8.2022**

Order No.

- 04.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. G.P. Dutta, learned counsel for the insurer – Appellant, Mr. G.C. Swain, learned counsel for claimant – Respondent Nos.1-4 and Ms. R. Singh, learned counsel for owner – Respondent No.5. The vakalatnama filed today by Mr. G.C. Swain on behalf of Respondents 2-4 is kept on record.
 3. Present appeal by the insurer is against the impugned judgment dated 10th November, 2021 of the learned 1st MACT, Sundargarh passed in MACT Case No.16 of 2015 wherein compensation to the tune of Rs.23,58,666/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 10th March, 2015 has been granted on account of death of the deceased Gorekh Badi in the motor vehicular accident dated 12th May, 2012.

4. Having heard all the parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.22,50,000/- along with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Swain, learned counsel for the claimant – Respondents as well as Ms. Singh, learned counsel for the owner – Respondent. 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.22,50,000/- (twenty-two lakhs fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 10th March, 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. However the penal interest of 9% as directed by the tribunal is waived.

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