

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.675 of 2017

The New India Assurance Co.Ltd.

.... Appellant
Ms.R.Pati, Advocate

-versus-

Sulekha Mandal and others

.... Respondents
Mr.B.B.Singh, Advocate for Respondent Nos.1 to 4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
20.9.2022

Order No.

6.

1. The matter is taken up through Hybrid mode.
2. Heard Ms.Pati, learned counsel for the Appellant-Insurer and Mr.Singh, learned counsel for claimants-Respondent Nos.1 to 4.
3. Present appeal by the Appellant is against the judgment dated 1st December, 2016 of the District Judge-cum-1st M.A.C.T., Koraput at Jeypore, in M.A.C. Case No.58 of 2014, wherein compensation to the tune of Rs.66,46,000/- has been granted along with interest @7.5% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 3rd January, 2014.
4. The challenge by the Insurer is mainly on the quantum of compensation and it is submitted that the amount received by

the deceased towards key allowance as well as D.A. granted on the said allowance is liable to be deducted. Further the allowance granted towards hill and fuel allowance is also liable to be deducted.

5. Mr.Singh, learned counsel for the claimants agrees to such submission without raising any objection.

6. Thus upon hearing both parties and considering the grounds of challenge, a reduced compensation of Rs.62,40,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Singh, learned counsel for the claimants-Respondent Nos.1 to 4. Ms.Pati, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

7. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.62,40,000/- (Sixty two lakhs forty thousand) 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 claimants on such terms and proportion to be fixed by the Tribunal.

8. With aforesaid modification in the compensation amount, the appeal is disposed of.

9. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

10. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

