

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

**MACA No.64 of 2022**

***The New India Assurance Company Ltd.*** .... ***Appellant***

Mr. S.K. Dash, Advocate

*-versus-*

***Pabitramani Hansdah and others*** .... ***Respondents***

Mr. S.C. Pradhan, Advocate for Respondent Nos.1 to 3

**CORAM:**

**JUSTICE B. P. ROUTRAY**

**ORDER**  
**02.05.2022**

**Order No.**

03.

1. Mr. S.C. Pradhan, learned counsel, enters appearance for Respondent Nos.1 to 3 by filing vakalatnama today morning.

2. Heard Mr. S.K. Dash, learned counsel for the Appellant-Insurance Company as well as Mr. S.C. Pradhan, learned counsel for the Respondent Nos.1 to 3-claimants.

3. Present appeal by the insurer is directed against judgment dated 15.09.2021 of learned 1<sup>st</sup> MACT, Cuttack in MAC Case No.209 of 2016 wherein compensation to the tune of Rs.15,72,900/- has been granted along with 6% interest per annum to the claimants from the date of filing of the claim application, i.e.31.03.2016 on account of death of the deceased in the motor vehicular accident dated 15.12.2015.

4. It is submitted on behalf of the Appellant that the claimant Respondent No.3-Madhusmita Menka Hansdah being the sister of

the deceased is not entitled to any compensation on account of sister consortium and the future prospects requires to be reduced to 40% since the deceased was admittedly on contractual employment.

5. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.14,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. S.C. Pradhan, learned counsel for the claimants- Respondent Nos.1 to 3 agrees to the same and Mr. S.K. Dash, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.14,00,000/- (rupees fourteen lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.31.03.2016 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion contained in the direction of the Tribunal. The default interest of 12% per annum is waived.

7. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

8. The MACA is disposed of with aforesaid directions.

9. An urgent certified copy of this order be granted on proper application.

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

