

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.82 of 2021

National Insurance Company Ltd. ***Appellant***
Mrs.Mrinalini Padhi, Advocate

-versus-

Subash Chandra Beura @ Behera and ***Respondents***
another

Mr.P.K.Mishra, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
8.3.2022

Order No.

4.
 1. Heard Mr.Das on behalf of Mrs.Padhi, learned counsel for the Appellant and Mr.Mishra, learned counsel for the claimant-Respondent No.1.
 2. Present appeal by the Insurer is directed against judgment dated 5th March, 2020 passed by learned 1st MACT, Jagatsinghpur in M.A.C. Case No.73 of 2018, wherein compensation to the tune of Rs.3,85,671/- has been granted on account of the injuries sustained by the claimant in the motor vehicular accident dated 11th February, 2015.
 3. It is submitted on behalf of the Appellant that the learned Tribunal has calculated the expenditure towards hospital charges and medicine charges etc. on higher side in absence of any documentary proof to the same. Further, the disability up to

10% is without any effect on the functionality of the claimant and the Tribunal has granted compensation on account of the same.

4. Perusal of the impugned order reveals that learned Tribunal has granted compensation of Rs.75,000/- towards hospital charges and medicine charges etc with the finding that there is no impediment under the law to refer un-exhibited discharge certificates and medical bills. However, in course of hearing, a reduced compensation of Rs.3,35,000/- along with interest @ 6% per annum is proposed to the parties. The same is agreed by Mr.Mishra, learned counsel for the claimant-Respondent No.1. Mr.Das, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.3,35,000/-(Three lakhs thirty five thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application i.e.13th May, 2015 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant on the same terms and proportion as directed by the Tribunal. However, the penal interest @9% is waived.

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

7. 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.

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

(B.P. Routray)
Judge



CRBiswal