

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.77 of 2022

MACA Nos.77 of 2022 & 449 of 2021

***Divisional Manager, M/s. Oriental
Insurance Company Ltd***

(in MACA No.77/2022)

Gajendra Kisan

(in MACA No.449/2021)

.... Appellants

Mr. S.K. Mohanty, Advocate (in MACA No.77/2022)

Mr. P.K. Mishra, Advocate (in MACA No.449/2021)

-versus-

Gajendra Kisan and Another (In MACA No.77/2022)

Jayadhar Khuntia and Another (In MACA No.449/2021)

.... Respondents

**Mr. P.K. Mishra, counsel for Respondent No.1
(in MACA No.77/2022)**

**Mr. S.K. Mohanty, counsel for Respondent No.2
(in MACA No.449/2021)**

CORAM:

SHRI JUSTICE B. P. ROUTRAY

**ORDER
4.8.2022**

Order No.

- 05.
1. The matters are taken up through hybrid mode.
 2. Both the appeals being arise out of the same judgment, are heard together and disposed of by this common order.
 3. Heard Mr. S. K. Mohanty, learned counsel for the insurer and Mr. P.K. Mishra, learned counsels for claimants.

4. The claimant has filed an interlocutory application in MACA No.449 of 2021, i.e. I.A. No.1024 of 2021 praying for exemption of court fee. The Appellant being the claimant is exempted from payment of court fee for the time being.

5. MACA No.77 of 2022 is filed by the insurer challenging the award, whereas MACA No.449 of 2021 has been filed by the claimants praying for enhancement of the compensation amount.

6. Learned 1st MACT, Deogarh in the impugned judgment dated 29th November, 2021 passed in MAC Case No.52 of 2017 has directed for payment of compensation to the tune of Rs.14,21,000/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 8th September, 2017 on account of injuries sustained by the claimant – injured in the motor vehicular accident dated 18th July, 2017.

7. Having heard both parties and considering the grounds of challenge advanced in both the appeals, a reduced compensation of Rs.13,75,000/- along with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Mishra, learned counsel for the injured - claimant and Mr. Mohanty, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

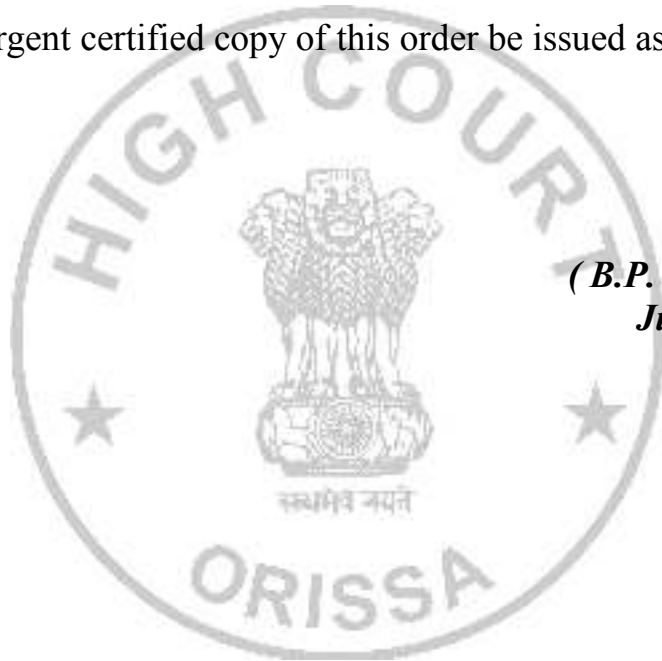
8. In the result, both the appeals are disposed of with a direction to the insurer, i.e. Oriental Insurance Co. Ltd. to deposit a reduced compensation amount of Rs.13,75,000/- (thirteen lakh seventy-five thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 8th September,

2017 within a period of two months from today; where-after the same shall be disbursed in favour of the injured - claimant on such terms and proportion to be decided by the learned Tribunal.

9. However, the penal interest of 12% is waived.

10. The statutory deposit made by the appellant in MACA No.77 of 2022 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.

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



(B.P. Routray)
Judge

M.K.Panda