

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.80 of 2022

***The D.M. (Legal), M/s.Oriental
Insurance Co.Ltd.***

.... ***Appellant***
Mr.P.K.Mahali, Advocate

-versus-

Puspanjali Pattnaik and others ***Respondents***
Mr.D.Pattnaik, Advocate for Respondent Nos.1 to 4

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

**ORDER
19.5.2022**

Order No.

3.

1. Heard Mr.Mahali, learned counsel for the Appellant-Insurer and Mr.Pattnaik, learned counsel for claimant-Respondent Nos.1 to 4.

2. It is submitted that the claimant-Respondent No.3 (Bansidhar Pattnaik) died on 29th July, 2021 and a copy of the death certificate along with memo is filed in Court. The same is kept on record. It is further submitted that since all other L.Rs are already on record, no further substitution is required for Respondent No.3.

3. Present appeal by the Insurer is against the judgment dated 26th October, 2021 of the learned 1st Addl. District Judge-cum-1st M.A.C.T., Cuttack in MAC Case No.906 of 2015, wherein compensation to the tune of Rs.31,38,000/- has been granted along with interest @6% 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 12th October, 2015.

4. It is submitted by Mr.Mahali, learned counsel for the Appellant that the offending vehicle was not involved in the accident, but has been implanted to manage the compensation amount. In respect of such contention, it is stated that this particular vehicle is involved in so many claim cases.

5. Upon examination of such contention, it is found that neither the same was pleaded nor any evidence was adduced to that effect before the learned tribunal. As such, in absence of any material brought on record to that effect, such contention raised by the Appellant is rejected.

6. Considering the grounds of challenge advanced with regard to quantum of compensation, a reduced compensation of Rs.25,00,000/- (twenty five lakhs) along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Pattnaik, learned counsel for the claimant-Respondent Nos.1 to 4. Mr.Mahali, 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.25,00,000/- (twenty five lakhs) 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