

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**MACA No.312 of 2018**

*The Divisional Manager, National Insurance Company Ltd.* ..... *Appellant*

Mr. P.K. Mahali on behalf of Mr. S.S. Kanungo, Advocate

-versus-

*Bikash Kumar Behera and Another* ..... *Respondents*

Mr. B.N. Rath, counsel for Respondent No.1

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

**ORDER**  
**19.10.2022**

**Order No.**

10.       1.       The matter is taken up through hybrid mode.
2.       Heard Mr. P.K. Mahali on behalf of Mr. S.S. Kanungo, learned counsel for the insurer-Appellant and Mr. B.N. Rath, learned counsel for the claimant – Respondent.
3.       Present appeal by the insurer is against the impugned judgment dated 28<sup>th</sup> November, 2017 of the learned 1<sup>st</sup> MACT, Nayagarh passed in MAC Case No.57/61 of 2015 wherein compensation to the tune of Rs.2,39,570/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 17<sup>th</sup> June, 2015 has been granted on account of injuries sustained by the claimant in the motor vehicular accident dated 17<sup>th</sup> February, 2015.
4.       Upon hearing both parties and considering all such grounds of challenge as advanced, a reduced compensation of Rs.1,80,000/- along with 6% is proposed to the parties. This is agreed by Mr. Rath,

learned counsel for the claimant and Mr. Mahali, learned counsel for the insurer leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit a reduced compensation amount of Rs.1,80,000/- (one lakh eighty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 17<sup>th</sup> June, 2015, within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondent on such terms and proportion to be decided by the tribunal.

6. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

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

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