

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.343 of 2018

Branch Manager, IFFCO-TOKIO ***Appellant***
General Insurance Company Limited

Mr. A.A. Khan, Advocate

-versus-

Pratima Nayak and others ***Respondents***
Mr. S.K. Mohanty, Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

08.08.2022

Order No.

07.

1. Heard Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company as well as Mr. S.K. Mohanty, learned counsel for the Respondent Nos.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 19.12.2017 of learned 1st M.A.C.T., Kalahandi, Bhawanipatna in M.A.C. No.70 of 2013 wherein compensation to the tune of Rs.5,74,000/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application, i.e. 29.11.2013 on account of death of the deceased in the motor vehicular accident dated 14.02.2013.

3. Learned counsel for the Appellant-Insurance Company submits that the offending vehicle was not having any valid permit.

4. In view of such submission that the offending vehicle was not having any valid permit, which remains uncontroverted, the

insurer is granted liberty to recover the amount of compensation from the owner since the reason assigned by the learned Tribunal that the offending tractor and trolley was not plying on a public road at the time of accident is found to be an incorrect fact. The place of accident is a public road in front of the petrol pump, which remains undisputed.

5. In the result, the appeal is disposed of by confirming the amount granted by the learned Tribunal since no valid point is seen in the grounds raised with regard to the quantum of compensation.

6. The Appellant – Insurance Company is directed to deposit the entire compensation amount of Rs.5,74,000/- (rupees five lakhs seventy-four thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.29.11.2013 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the learned Tribunal.

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.

(B.P. Routray)
Judge