

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.390 of 2018

M/s.Oriental Insurance Co.Ltd. ***Appellant***
Mr.S.Satpathy, Advocate

-versus-

Mani Das and others ***Respondents***
Mr.B.Singh, Advocate for Respondent Nos.1 to 6
Mr.M.K.Agrawal, Advocate of Respondent No.7

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
16.9.2022

Order No.

13.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Satpathy, learned counsel for the Appellant-Insurer and Mr.Singh, learned counsel for claimants-Respondent Nos.1 to 6 as well as Mr.M.K.Agrawal, learned counsel for Respondent No.7-Owner.
3. Present appeal by the Appellant is against the judgment dated 22nd July, 2016 of the Motor Accident Claims Tribunal-IV, Baleswar, in M.A.C. Case No.04/339 of 2015-2013, wherein compensation to the tune of Rs.8,36,000/- has been granted along with interest @7.5% 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 September, 2013.

4. The entire challenge of the Insurer confines to the aspect that the alleged cover note was not issued by them in respect of offending vehicle.

5. Upon hearing all the parties, it reveals that no such plea of denial regarding issuance of the cover note was pleaded by the Insurer before the Tribunal. Further as mentioned in Ground No.B of the present appeal, it reveals that only for the reason that next serial number was issued on the previous date, therefore the doubt about genuineness of the present one is raised.

6. It needs to be mentioned here that as per the allegations, the cover note issued in respect of the offending vehicle is bearing No.490284 dated 11th September, 2013 and the previous serial No.490283 is dated 12th September, 2013. The date of accident is 12th September, 2013. But no evidence has been adduced to that effect nor was the same pleaded. Therefore the same is rejected.

7. No further dispute being raised with regard to quantum of compensation, the same is confirmed. However, the rate of interest is reduced to 6%.

8. In the result, the appeal is disposed of with a direction to the Insurer-Appellant to deposit the entire compensation amount of Rs.8,36,000/- 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.

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

C.R.Biswal

