

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.97 of 2020**

***Divisional Manager,  
The National Insurance Co.Ltd.***

***Appellant***

Mr.P.K.Mahali, Advocate

*-versus-*

***Sakuntala Pradhan and others***

*....*

***Respondents***

Mr.K.C.Nayak, Advocate for Respondents 1 and 2

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

**ORDER  
28.7.2022**

**Order No.**

7.

I.A.No.303 of 2022

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mahali, learned counsel for the Appellant and Mr.Nayak, learned counsel for claimant-Respondent Nos.1 & 2.
3. Upon hearing both the parties and considering the grounds mentioned in the petition, delay in filing the appeal is condoned subject to payment of cost of Rs.1000/-(One thousand) to Mr.Nayak, learned counsel for the claimant-Respondents 1 & 2, which is paid in Court.

4. The I.A. is disposed of.

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5. Present appeal by the Appellant-Insurer is against the judgment dated 28<sup>th</sup> March, 2019 of the First Motor Accident Claims Tribunal, Kendrapara in MAC Case No.31 of 2015,

wherein compensation to the tune of Rs.8,01,000/- 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 9<sup>th</sup> March, 2015.

6. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.7,20,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Nayak, learned counsel for the claimant-Respondent Nos.1 and 2. 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.7,20,000/- (Seven lakhs twenty thousand) 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. As prayed for by the Appellant, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

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**

*C.R.Biswal*

