

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.100 of 2020

The Manager, M/s.Bharati AXA ***Appellant***
General Insurance Company Limited.

Mr.A.A.Khan, Advocate

-versus-

Sujata Prusty and others ***Respondents***
Mr.P.K.Sahoo, Advocate for Respondent Nos.1 to 5

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
21.7.2022

Order No.

11.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Khan, learned counsel for the Appellant-Insurer and Mr.Sahoo, learned counsel for claimants-Respondent Nos.1 to 5.
2. Present appeal by the Insurer is against the judgment dated 27th November, 2019 of the learned 1st Addl. District Judge-cum-1st M.A.C.T., Cuttack in MAC Case No.942 of 2015, wherein compensation to the tune of Rs.43,19,470/- has been granted along with interest @ 6% per annum with effect from the date of filing of the claim application on account of the death of the deceased in the motor vehicular accident on 22nd November, 2015.

3. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.40,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Sahoo, learned counsel for the claimants-Respondent Nos.1 to 5. Mr.Khan, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

4. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.40,00,000/- (forty 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. However, the penal interest @12% is waived.

5. It is submitted by Mr.Khan, learned counsel for the Appellant that pursuant to the direction of this Court dated 12th August, 2021, the Appellant has deposited an amount of Rs.24,41,625/- before the Tribunal on 11th January, 2022. As such, the above amount already deposited by the Insurer-Appellant, shall be adjusted from the total compensation amount and the balance amount be deposited within two months as directed above.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. 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.

8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

