

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.99 of 2022 And MACA No.289 of 2022

MACA No.99 of 2022

Ajaya Kumar Khuntia

....

Appellant

Mr.P.K.Mishra, Advocate

-versus-

Fakira Ch. Das and another

....

Respondents

Mr.G.P.Dutta, Advocate for Respondent No.2

AND

MACA No.289 of 2022

**Cholamandalam MS General
Insurance Company Limited**

....

Appellant

Mr.G.P.Dutta, Advocate

-versus-

Ajaya Kumar Khuntia and another

....

Respondents

Mr.P.K.Mishra, Advocate for Respondent No.1

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

**ORDER
11.11.2022**

Order No.

03.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra, learned counsel for the Claimant and Mr.Dutta, learned counsel for the Insurer.
3. Both the appeals arise out of the same judgment dated 28th October, 2021 passed by the learned Additional District Judge-cum-3rd M.A.C.T., Jagatsinghpur, in M.A.C. Case No.125

of 2013, wherein compensation to tune of Rs.13,43,000/- along with interest @7% per annum has been granted from the date of filing of the claim application on account of injuries sustained by the claimant in the motor vehicular accident dated 29th January, 2013.

4. MACA No.99 of 2022 has been preferred by the Claimant for enhancement of the compensation amount and MACA No.289 of 2022 has been filed by the Insurer challenging the compensation amount.

5. Upon hearing both parties and considering all such grounds raised in both the appeals by respective parties, a reduced compensation of Rs.13,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel for the claimant. Mr.Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer is directed to deposit the reduced compensation of Rs.13,00,000/- (Thirteen lakhs) along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, both the appeals are disposed of.

8. The cheque deposited towards statutory amount by the Insurer in MACA No.289 of 2022 be returned to him on proper

application and on production of proof of deposit of the award amount before the learned Tribunal.

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

(B.P. Routray)
Judge

C.R.Biswal

