

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.119 of 2020

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

.... Appellant

Mr.M.C.Nayak, Advocate

-versus-

Bhramar Sethi and others

.... Respondents

Mr.L.Samantray, Advocate for Respondent Nos.1, 3 and 4

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

**ORDER
20.4.2022**

Order No.

4.

1. Heard Mr.Nayak, learned counsel for the Appellant-Insurer and Mr.Samantray, learned counsel for claimants-Respondent Nos.1, 3 & 4.

2. It is submitted that in the meantime claimant-Respondent No.2, namely, Smt.Indu Sethi died due to COVID infection and all her L.Rs being on record, no further substitution is required.

3. Present appeal by the Insurer is against the judgment dated 7th November, 2019 of the learned Member, 2nd MACT (SD), Berhampur in MAC No.86 of 2018(342/2015-GDC), wherein compensation to the tune of Rs.11,76,100/- has been granted along with interest @ 7% 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 23rd January, 2015.

4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.10,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Samantray, learned counsel for the claimants-Respondent Nos.1, 3 & 4. Mr.Nayak, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.10,00,000/-(Ten 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 – Respondents No. 1, 3 & 4 on such terms and proportion to be fixed by the Tribunal.

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

