

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.126 of 2020

***M/s. IFFCO TOKIO General
Insurance Company Ltd.***

.... Appellant

Mr. J.R. Deo, Advocate

-versus-

Makunda Sethi and Others

.... Respondents

Mr. P.K. Nayak, counsel for Respondents 1-3

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

**ORDER
25.4.2022**

Order No.

11. 1. Heard Mr. J.R. Deo, learned counsel for the insurer – Appellant and Mr. P.K. Nayak, learned counsel for claimant – Respondents 1-3.
2. Present appeal by the insurer has been filed challenging the judgment dated 30th September, 2019 of learned 3rd MACT, Talcher passed in MAC No.103 of 2018 wherein compensation to the tune of Rs.32,53,624/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 16th August, 2018 has been granted on account of death of the deceased in the motor vehicular accident dated 4th July, 2018.
3. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.28,00,000/- 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-Respondents and Mr. Deo, learned counsel for the insurer leaves it to the discretion of the Court. As such, the amount is fixed to the above extent.

4. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation of Rs.28,00,000/- (twenty-eight lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 16th August, 2018 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by learned Tribunal.

5. The statutory deposit made by the appellant before this court along with accrued interest be refunded to the Appellant - insurer on proper application and on production of proof of deposit of the awarded amount before the tribunal.

6. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge