

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.132 of 2020

National Insurance Company Ltd.* *Appellant

Mr. S.R. Pattnaik, Advocate

-versus-

Jagannath Sha and Another* *Respondents

Mr. B.B. Singh, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

25.4.2022

Order No.

10. 1. Heard Mr. Pattnaik, learned counsel for the insurer – Appellant and Mr. Singh, learned counsel for claimant – Respondent No.1.
2. Present appeal by the insurer has been filed challenging the common judgment dated 22nd July, 2019 of learned 1st MACT, Balasore passed in MAC Nos.270, 280 and 325 of 2017. The present appeal is in respect of MAC No.280 of 2017 wherein compensation to the tune of Rs.5,44,340/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 27th June, 2017 has been granted on account of injuries sustained by the claimant in the motor vehicular accident dated 26th May, 2017.
3. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.4,75,000/- along with interest @ 6% per annum is proposed to the parties in course of

hearing. This is agreed by Mr. Singh, learned counsel for the claimant-Respondent and Mr. Pattnaik, learned counsel for the insurer leaves it to the discretion of the Court. As such, the amount is fixed to the above extent. However the right of recovery as granted by the learned Tribunal in favour of the insurer is not disturbed.

4. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation of Rs.4,75,000/- (four lakh seventy five thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 27th June, 2017 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent No.1 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