

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No. 109 of 2022

AND

MACA No.110 of 2022

MACA No.109 of 2022

***Divisional Manager, ICICI
Lombard General Insurance Co.
Ltd.***

Appellant

Mr. G.P.Dutta, Advocate

Versus

***1.Gouranga Patel
2.Smt.Saraswati Patel
3.Miss Susmita Patel
4.Smt. Nivedita Patel
5.Ambaris Patel
6.Ansuman Patel
7.Sanjay Nanda***

***Respondents No.1 to
3 were Petitioners
No.1 to 3 in Tribunal
and Respondents No.4
to 6 were Proforma
Respondents No.3 to 5
in Tribunal.***

***Mr. P.K.Mishra, Advocate
(For Respondents No.1 to 6)***

MACA No.110 of 2022

***ICICI Lombard General Insurance
Co. Ltd.***

Appellant
Mr. G.P.Dutta, Advocate

Versus

***1.Nivedita Patel
2.Ambaris Patel
3.Ansuman Patel
4.Sanjay Nanda***

Respondents

***Mr. P.K.Mishra, Advocate
(For Respondents No.1 to 3)***

CORAM:
JUSTICE SAVITRI RATHO

	<u>Order No.</u>	<u>ORDER</u> 12.03.2022
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01. 1. These matters are taken up today in the National Lok Adalat through hybrid mode.
2. Learned counsel for the appellant-Insurance Company in both the Appeals and learned counsel for Respondents No.1 to 6 in MACA No.109 of 2022 and Respondents No.1 to 3 in MACA No.110 of 2022 are present. The memos in support of the compromise between the parties are kept in the record.
3. MAC No.130 of 2014, had been filed by Nibedita Patel w/o late Debisish Patel and her minor sons Ambarish Patel and Ansuman Patel (Petitioners) against the owner, Sanjay Nanda and ICICI Lombard General Insurance Company (Respondents) claiming compensation of Rs.1,50,00,000/- (Rupees one crore fifty lakhs only) on account of the death of late Debisish Patel.
- MAC No.319 of 2014, had been filed by Gouranga Patel and Saraswati Patel - parents of deceased Debasish Patel and Susmita Patel, unmarried sister of late Debasish Patel (Petitioners) against the owner Sanjay Nanda and the Divisional Manager, ICICI Lombard General Insurance Company (Respondents); Nivedita Patel, w/o late Debasish Patel and Ambaris Patel and Ansuman Patel the minor sons of late Debasish Patel (Proforma Respondents), claiming compensation of Rs.1,50,00,000/- (Rupees one crore fifty lakhs only) on account of the death of late Debasish Patel.

4. By a common judgment passed in MAC Case No.319 of 2014 and MAC Case No.130 of 2014, after analogous hearing, the District Judge –cum- 1st MACT Jharsuguda had awarded Rs.1,24,48,944/- (Rupees one crore twenty four lakhs forty eight thousand nine hundred and forty four only) alongwith interest of 9% per annum from the date of filing i.e 10.11.2014 till date of realisation to the claimants Gouranga Patel, Saraswati Patel, Susmita Patel, Nivedita Patel, Ambarish Patel (minor) and Ansuman Patel (minor). The Tribunal had apportioned the amount between the six claimants.

5. MACA No.109 of 2022 has been filed challenging the judgment passed in MAC Case No.319 of 2014 and MACA No.110 of 2022 has been filed challenging the judgment passed in MAC No.130 of 2014.

6. It is now agreed that a consolidated amount of Rs.73,25,528/- (Rupees seventy three lakhs twenty five thousand five hundred twenty eight only) shall be paid by the Insurance company to the claimants/respondents Gouranga Patel, Smt Saraswati Patel and Miss Susmita Patel in MAC Case no 319 of 2014 within a period of eight weeks from today.

It is also agreed that a consolidated amount of Rs.97,74,472/- (Rupees ninety seven lakhs seventy four thousand four hundred seventy two only) shall be paid by the insurance company to the claimants / respondents Nivedita Patel, minors Ambarish Patel and Ansuman Patel represented by their mother guardian Nivedita Patel in MAC No. 130 of 2014, within a period of eight weeks from today.

7. The consolidated amounts of Rs.97,74,472/- (Rupees ninety seven lakhs seventy four thousand four hundred seventy two only) in MAC No. 130 of 2014 and Rs.73,25,528/- (Rupees seventy three lakhs twenty five thousand five hundred twenty eight only) in MAC No 319 of 2014 shall be deposited by the Appellant Insurance Company within a period of eight weeks from today, before the Tribunal. The amounts shall be proportionately apportioned between the claimants by the Tribunal.

8. As the settlement is arrived at before the National Lok Adalat, no court fee shall be levied.

9. MACA No.109 of 2022 and MACA No.110 of 2022 are accordingly disposed of.

10. Urgent certified copies of the orders be granted on proper application.

