

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.161 of 2020

***Universal Sompo General Insurance
Company Ltd.***

.... Appellant

Mr. A.A. Khan, Advocate

-versus-

Manorama Jena and Others

.... Respondents

Mr. P.K. Mishra, counsel for Respondents 1&2

Mr. B.N. Rath, counsel for Respondent No.3

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

**ORDER
12.4.2022**

Order No.

- 09.
1. Heard Mr. A.A. Khan, learned counsel for the insurer – Appellant, Mr. P.K. Mishra, learned counsel for Respondents 1 & 2 and Mr. B.N. Rath, learned counsel for Respondent No.3.
 2. Present appeal by the insurer has been filed challenging the judgment dated 26th October, 2019 of learned 1st MACT, Jajpur passed in MAC No.31 of 2015 wherein compensation to the tune of Rs.21,86,000/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 16th February, 2015 has been granted on account of death of the deceased in the motor vehicular accident dated 8th November, 2011.
 3. The main ground of challenge is with regard to quantum of compensation.

4. Considering such challenges, a reduced compensation of Rs.14,00,000/- along with interest @ 6% per annum is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for Respondent Nos.1 and 2 as well as Mr. Rath, learned counsel for Respondent No.3. Mr. Khan, 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 penal interest of 9% is waived.

5. Mr. Mishra and Mr. Rath, learned counsels for Respondents further submit on agreement that, out of the total amount of compensation, a sum of Rs.2,00,000/- with interest be paid to Respondent No.3, and rest amounts be paid to Respondents 1 and 2 in the proportion of 60:40. Further, out of the total amount paid to each of the claimants, 70% shall be kept in fixed deposit in respect of Respondent No.1, 50% in respect of Respondent No.3 and entire amount in respect of Respondent No.2 till he attains majority.

6. In the result, the appeal is disposed of with a direction to the insurer – Appellant to deposit the modified compensation of Rs.14,00,000/- (fourteen lakh) before the tribunal with interest @ 6% per annum from the date of filing of the claim application, i.e. 16th February, 2015 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents Nos.1-3 on such terms and proportion as stated in the above paragraph.

7. The statutory deposit made by the insurer – Appellant before this court along with accrued interest be refunded on proper

application and on production of proof of deposit of the awarded amount before the tribunal.

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

(B.P. Routray)
Judge

M.K.Panda

