

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.221 of 2019

***The Divisional Manager, M/s. The New
India Assurance Company Ltd.*** ***Appellant***

Mr. Mohitosh Sinha, Advocate

-versus-

Upasana Palo and Others ***Respondents***

Mr. Karukar Das, counsel for Respondents 1&2

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

**ORDER
15.02.2022**

Order No.

MACA No.221 of 2019 & I.A. No.553 of 2019

- 03.
1. Heard Mr. M. Sinha, learned counsel for the insurer – Appellant and Mr. K.K. Das, learned counsel for claimants – Respondents 1 & 2.
 2. The present appeal by the insurer is against impugned judgment dated 12th December, 2018 of the learned 1st MACT, Cuttack in MAC No.189 of 2016 wherein compensation to the tune of Rs.84,41,080/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 22nd March, 2016 has been granted in favour of the claimants on account of death of the deceased in the motor vehicular accident dated 13th March, 2016.
 3. In course of hearing a reduced compensation amount of Rs.74,00,000/- along with interest is proposed to the parties. Mr Das, learned counsel for the Claimant – Respondents agrees to the same

and Mr. Sinha, learned counsel for the insurer – Appellant leaves it to the discretion of the Court.

4. Accordingly, the insurer – Appellant is directed to deposit the reduced/modified compensation amount of Rs.74,00,000/- (Seventy-four lakh) before the learned tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 22nd March, 2016 within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on the same terms and proportion as directed in the impugned judgment.

5. It goes without saying that the penal interest is waived.

6. 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.

7. The appeal as well as the I.A. are disposed of.

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

(B.P. Routray)
Judge