

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1344 of 2017

***Cholamandalam General Insurance* *Appellant*
*Company Ltd.***

Mr.G.P.Dutta, Advocate

-versus-

***Prahallad Senapati and others* *Respondents*
Mr.P.Panda, Advocate
for Respondent Nos.1 to 5**

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

**ORDER
28.9.2022**

Order No.

3.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Dutta, learned counsel for the Insurer-Appellant and Mr.Panda, learned counsel for the claimants-Respondent Nos.1 to 5.
3. Present appeal by the Insurer-Appellant is against the judgment dated 7th October, 2017 of the 3rd M.A.C.T., Jagasinghpur, in MAC (Misc.Case) No.133 of 2009, wherein compensation to the tune of Rs.8,50,000/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 10th March, 2009.

4. Mr.Dutta contends that the Tribunal has granted excessive compensation by taking income of the deceased at higher prospects. According to him, the deceased was a mason and on the date of accident i.e., 10th March, 2009 the rate of minimum wages prescribed was Rs.90/- for skilled labourer as per Notification No.293 dated 28th April, 2007.

5. After hearing Mr.Panda, learned counsel for the claimants-Respondents and considering all such grounds of challenge and counting the income of the deceased at Rs.90/- per day, a reduced compensation of Rs.5,20,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Panda, learned counsel for the claimants-Respondents. Mr.Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.5,20,000/- (Five lakhs twenty thousand) along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, the appeal is disposed of.

8. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application

and on production of proof of deposit of the award amount before the learned Tribunal.

9. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

