

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.132 of 2022

***Divisional Manager, New India
Assurance Co. Ltd.***

.... Appellant

Mr. N.S. Ghose, Advocate

-versus-

Gloria Minz and Others

.... Respondents

Mr. K.K. Jena, counsel for Respondents 1, 2 & 3

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

30.9.2022

Order No.

05. 1. The matter is taken up through hybrid mode.
2. Heard Mr. N.S. Ghose, learned counsel for the insurer – Appellant and Mr. K.K. Jena, learned counsel for claimant - Respondents.
3. Present appeal by the insurer is against the impugned judgment dated 22nd October, 2021 of the learned 3rd MACT, Rourkela passed in MAC Case No.95 of 2018 wherein compensation to the tune of Rs.51,31,984/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 19th April, 2018 has been granted on account of death of deceased Sunil Minz in the motor vehicular accident dated 11th April, 2018.
4. Upon hearing both parties and considering all such grounds of challenge, which are mainly on the question of quantum, a reduced compensation of Rs.48,50,000/- along with 6% interest is proposed to

the parties. This is agreed by Mr. Jena, learned counsel for the claimant - Respondents and Mr. Ghose, learned counsel for the insurer leaves it to the discretion of the Court. As such the compensation amount is fixed to the above extent.

5. In the result, the appeal is disposed of with a direction to the insurer – Appellant to deposit a reduced compensation of Rs.48,50,000/- (forty eight lakhs fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 19th April, 2018, within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the tribunal.

6. The statutory deposit made by the insurer - 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. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda