

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.191 of 2020

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

.... Appellant
Mr.S.Satpathy, Advocate

-versus-

Minati Dalabehera and others ***.... Respondents***
Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 4

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

**ORDER
23.11.2022**

Order No.

7.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Satpathy, learned counsel for the Appellant-Insurer and Mr.Mishra, learned counsel for claimants-Respondent Nos.1 to 4.
3. Present appeal by the Appellant is against the judgment dated 5th April, 2019 of the 4th M.A.C.T., Kamakhyanagar, in M.A.C.Case No.31 of 2017, wherein compensation to the tune of Rs.13,55,200/- 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 26th June, 2017.
4. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.13,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel

for the claimants-Respondent Nos.1 to 4. Mr.Satpathy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.13,00,000/-(Thirteen lakhs) before the Tribunal 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. However, the penal interest of 9% as directed by the Tribunal is waived.

As prayed for by the Insurer, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

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

7. 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.

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

(B.P. Routray)
Judge