

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.216 of 2020

***The Manager Legal,
M/s.Sriram General Insurance
Company Limited***

.... ***Appellant***
Mr.A.A.Khan, Advocate

-versus-

Jyoshnamayee Nayak and others ***Respondents***
Mr.B.K.Mohanty, Advocate for Respondents no. 1 & 2

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

**ORDER
02.09.2022**

Order No.

7.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Khan, learned counsel for the Appellant and Mr.Mohanty, learned counsel for the claimants-Respondent Nos.1 and 2.
3. Present appeal by the Insurer is directed against the judgment dated 3rd October, 2019 passed by learned 3rd Additional District Judge-Cum-4th M.A.C.T., Cuttack in M.A.C. Case No.860 of 2011/327 of 2017, wherein compensation to the tune of Rs.10,90,000/- has been granted along with interest @ 6% 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 dated 20th August, 2011.

4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.8,50,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mohanty, learned counsel for the claimants-Respondent Nos.1 and 2. Mr.Khan, 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.8,50,000/- (Eight lakhs fifty thousand) 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. It goes without saying that the right of recovery granted in favour of the Insurer-Appellant by the Tribunal is left undisturbed.

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

