

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.254 of 2019

The Divisional Manager, National Insurance Co. Ltd. ***Appellant***

Mr. P.K. Panda, Advocate

-versus-

Tuna Maharana and others ***Respondents***

Mr. P.K. Mishra, Advocate for Respondent Nos.1 to 3

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

**ORDER
21.03.2022**

Order No.

07.

1. Heard Mr. P.K. Panda, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 to 3-claimants.

2. Present appeal by the insurer is directed against the common judgment dated 7.9.2018 of learned 1st MACT, Keonjhar in MAC Case No.156/2017 and MAC Case No.157/2017. The present appeal is in respect of MAC Case No.157/2017 wherein learned Tribunal has granted compensation to the tune of Rs.6,78,000/- along with 7% interest per annum to the claimants from the date of filing of the claim application, i.e.21.7.2017 on account of death of the deceased in the motor vehicular accident dated 30.4.2017.

3. It is contended on behalf of the Appellant that the accused, who was the driver of the motorcycle bearing Regd. No.OD-09-F-

6157 is a habitual offender of causing road traffic accident and two other cases against him is pending at Keonjhar and Cuttack. Therefore, the claim of the present claimants to get compensation on account of death of the deceased in the alleged motor vehicular accident is not tenable in the eye of law.

4. This contention of the Appellant is rejected out-right since no evidence with regard to such contention has been brought before the learned Tribunal. Secondly, there is no logic in the contention of the Appellant that because the accused is involved in more than one accident at different points of time, the claim of compensation contemplated under Sec.166 of the M.V. Act would be nullified on that ground.

5. In the result, the appeal is dismissed and the Appellant-Insurance Company is directed to deposit the entire award amount along with interest in terms of directions of the Tribunal within a period of two months from today, which shall be disbursed in favour of the claimants.

6. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

(B.P. Routray)
Judge