

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.237 of 2020

***The Manager, Third Party Claims Hub,
New India Assurance Co.Ltd.***

.... ***Appellant***
Mr.B.C.Singh, Advocate

-versus-

***Buddh Dehury @ Buddhbari Dehury
and others***

.... ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent Nos.1 & 2

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

**ORDER
28.3.2022**

Order No.

8.

1. Heard Mr.Singh, learned counsel for the Appellant and Mr.Mishra, learned counsel for the claimants-Respondent Nos.1 & 2.

2. Present appeal by the Insurer is directed against the judgment dated 28th November, 2019 passed by learned 4th M.A.C.T., Angul in M.A.C.No.179 of 2016, wherein compensation to the tune of Rs.7,01,328/- 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 27th May, 2016.

3. Having heard both parties and considering the grounds advanced, a reduced compensation of Rs.7,00,000/- 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 & 2. Mr.Singh, learned counsel for

the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

4. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.7,00,000/- (Seven lakhs) 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 same terms and proportion as directed by the Tribunal. However, the penal interest @1% is waived. As prayed for by the Appellant, 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.

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

6. 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.

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

(B.P. Routray)
Judge

