

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.166 of 2022

Divisional Manager, Oriental Insurance Co. Ltd. ***Appellant***

Mr. S. Satapathy, Advocate

-versus-

Bibhuti Nayak and another ***Respondents***
Mr. K.C. Nayak, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
16.12.2022

Order No.
03.

1. Heard Mr. S. Satapathy, learned counsel for the Appellant-Insurance Company as well as Mr. K.C. Nayak, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment dated 25.11.2021 of learned 1st M.A.C.T., Kendrapara in M.A.C. Case No.60 of 2017, wherein compensation to the tune of Rs.4,17,000/- has been granted along with interest @7% per annum to the claimant from the date of filing of the claim application, i.e.29.06.2017 on account of injury sustained by him in the motor vehicular accident dated 26.06.2015.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.3,50,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. K.C. Nayak, learned counsel for the claimant agrees to the same and Mr. S. Satapathy, learned counsel for the

Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.3,50,000/- (rupees three 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 claimant on such terms and proportion to be fixed by the Tribunal.

However, this Court has not disturbed the direction of the learned Tribunal regarding right of recovery granted in favour of the Insurance Company.

5. 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.

6. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge