

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.499 of 2018

***M/s. National Insurance Company
Ltd., represented through the Officer-
in-Charge of Orissa Legal Cell*** ***Appellant***

Mr. S. Das, Advocate

-versus-

Jayashree Panigrahi and Others ***Respondents***

Mr. D. Patnaik, counsel for Respondents 1 & 2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
17.10.2022

Order No.

04.

1. The matter is taken up through hybrid mode.
2. Heard Ms. S. Das on behalf of Mr. P.K. Mohanty, learned counsel for the insurer-Appellant and Mr. D. Patnaik, learned counsel who submits to have filed power on behalf of claimant – Respondents 1 and 2 with consent of the previous lawyer on 14th October, 2022.
3. Present appeal by the insurer is against the impugned judgment dated 29th January, 2018 of the learned 2nd MACT, Cuttack passed in Misc. Case No.279 of 2009 wherein compensation to the tune of Rs.11,24,011/- along with interest @ 7% per annum has been granted on account of death of deceased Kishore Mohan Panigrahi in the motor vehicular accident dated 5th January, 2009.
4. Upon hearing both parties and considering the grounds of challenge as advanced, a reduced compensation of Rs.9,60,000/- along with 6% is proposed to the parties. This is agreed by Mr.

Patnaik, learned counsel for the claimant – Respondents and Ms. Das, learned counsel for the Appellant leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit a reduced compensation amount of Rs.9,60,000/- (nine lakhs sixty thousand) before the tribunal along with interest @ 6% per annum for the period as directed by the tribunal, within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the tribunal.

6. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge