

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.404 of 2017

***The Branch Manager, IFFCO-TOKIO
General Insurance Company Ltd.***

.... Appellant

Mr. G.P. Dutta, Advocate

-versus-

Sudhakar Sahoo and Another

.... Respondents

Mr. Sunil Kumar Panda, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

**ORDER
25.8.2022**

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. The vokalatnama filed today by Mr. S.K. Panda on behalf of Respondent No.1 is kept on record.
 3. Heard Mr. G.P. Dutta, learned counsel for the insurer – Appellant and Mr. S.K. Panda, learned counsel for claimant – Respondent No.1.
 4. Present appeal by the insurer is against the impugned judgment dated 20th February, 2017 of the learned 3rd MACT, Talcher passed in MAC Case No.82 of 2011 wherein compensation to the tune of Rs.2,17,600/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 25th November, 2011 has been granted on account of injuries sustained the claimant in the motor vehicular accident dated 26th November, 2009.

5. It is submitted that the grounds of challenge raised in the present appeal are similar to grounds raised in the connected appeal in MACA No.992 of 2013 which was disposed of on 19th July, 2022.

6. It is seen from copy of order dated 19th July, 2022 passed in MACA No.992 of 2013 that such grounds raised by the insurer-Appellant regarding involvement of offending vehicle and other grounds have been rejected upon discussions. Accordingly the grounds taken in the present appeal being similar to those grounds are also rejected.

7. However, with regard to quantum of compensation, it is submitted by parties that the same may be reduced to Rs.1,80,000/- with 6% interest per annum. Both parties being agreed to the said amount, the compensation amount is reduced to the above extent.

8. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit a reduced compensation amount of Rs.1,80,000/- (one lakh eighty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 25th November, 2011 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent No.1 on such terms and proportion to be decided by the learned Tribunal.

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

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

(B.P. Routray)
Judge

M.K.Panda

