

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.248 of 2020

Manager (Legal) ***Appellant***
M/s.New India Assurance Co. Ltd.

Mr.N.B.Das, Advocate

-versus-

Pradumna Kumar Swain and others ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 3

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
11.8.2022

Order No.

08.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Das, learned counsel for the Appellant-Insurer and Mr.Mishra, learned counsel for claimant-Respondent Nos.1 to 3.
3. Present appeal by the Appellant is against the judgment dated 23rd September, 2019 of the District-cum-Ist M.A.C.T., Jagatsinghpur in MAC Case No.172 of 2016, wherein compensation to the tune of Rs.4,34,950/- has been granted along with interest @7% 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 on 14th December, 2015.
4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.4,00,000/- 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 claimant-Respondent Nos.1 to 3. Mr.Das, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.4,00,000/- (four lakhs) 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 claimants on such terms and proportion to be fixed by the Tribunal. However, default interest @9% is waived.

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

7. 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.

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

(B.P. Routray)
Judge