

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.133 of 2021

MACA Nos.133 of 2021 & 154 of 2021

Priyanka Swain and Others (In MACA No.133/2021)

Manager Legal, M/s.Shriram General Insurance Company Ltd. (In MACA No.154/2021)

.... ***Appellants***

Mr. Karunakar Das, Advocate (in MACA No.133/2021)

Mr. A.A. Khan, Advocate (in MACA No.154/2021)

-versus-

Sanjib Samal and Another (In MACA No.133/2021)

Priyanka Swain and Others (In MACA No.154/2021)

.... ***Respondents***

Mr. A.A. Khan, counsel for Respondent No.2
(in MACA No.133/2021)

Mr. K.K. Das, counsel for Respondents 1-5
(in MACA No.154/2021)

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

22.4.2022

Order No.

- 05.
1. Heard Mr. K.K. Das, learned counsel for the claimants and Mr. A.A. Khan, learned counsel for insurer, i.e. Shriram General Insurance Company Ltd.
 2. Mr. Das submits that he has already removed the defects as shown in MACA No.133 of 2021 in the court. Office is to take note of the same.

3. Both the appeals are against the same impugned judgment dated 15th January, 2021 of learned 4th MACT, Cuttack passed in MAC No.682 of 2017 wherein compensation to the tune of Rs.13,53,310/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 6th September, 2017 has been granted on account of death of the deceased in the motor vehicular accident dated 30th August, 2017.

4. MACA No.133 of 2021 has been preferred by the claimants praying for enhancement of the compensation amount whereas MACA No.154 of 2021 has been preferred by the insurer challenging the award.

5. Upon hearing both the parties and considering the grounds of challenge advanced by respective parties and the undisputed fact that no filial consortium has been granted in favour of children of the deceased, i.e. claimant Nos.2 to 4, a further enhancement of compensation of Rs.1,20,000/- is proposed to the parties. This is agreed by Mr. Das, learned counsel for the claimants and Mr. Khan, learned counsel for the insurer leaves it to the discretion of the court. Accordingly, the compensation amount is fixed at Rs.14,73,310/-. However, the penal interest is waived.

6. In the result both the appeals are disposed of with a direction to the insurer – Appellant in MACA No.154 of 2021, and Respondent No.2 in MACA No.133 of 2021 i.e. M/s. Shriram General Insurance Company Ltd. to deposit the enhanced compensation of Rs.14,73,310/- (fourteen lakh seventy-three thousand three hundred ten) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 6th September, 2017 within

a period of two months from today; where-after the same shall be disbursed in favour of the claimants as per the terms and proportion to be decided by the learned Tribunal.

7. The statutory deposit made by the insurer – Appellant in MACA No.154 of 2021 before this court along with accrued interest be refunded on proper application and on production of proof of deposit of the awarded amount before the tribunal.

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

M.K.Panda



(B.P. Routray)
Judge