

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1240 of 2017 And MACA No.174 of 2018

MACA No.1240 of 2017

Sumati Sethy and others

....

Appellants

Mr.P.K.Mishra, Advocate

-versus-

Sarbeswar Mohapatra and another

....

Respondents

Mr.S.Satpathy, Advocate for Respondent No.2

AND

MACA No.174 of 2018

***The Divisional Manager,
New India Assurance Co. Ltd.***

....

Appellant

Mr.S.Satpathy, Advocate

-versus-

Sumati Sethy and others

....

Respondents

Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 6

CORAM:

JUSTICE B. P. ROUTRAY

**ORDER
05.09.2022**

Order No.

6.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra, learned counsel for the claimants and Mr.Satpathy, learned counsel for the Insurer.
3. Both the appeals arise out of the same judgment dated 29th September, 2017 passed by the learned 3rd M.A.C.T., Talcher in M.A.C.Case No.108 of 2016, wherein compensation to tune of

Rs.7,86,000/- along with interest @7% per annum has been granted from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 4th March, 2016.

4. MACA No.1240 of 2017 has been preferred by the claimants praying for enhancement of the compensation amount and MACA No.174 of 2018 has been preferred by the Insurer challenging the compensation amount.

5. Upon hearing both parties and considering the grounds of challenge advanced by both parties, enhanced compensation of Rs.11,75,000/- 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 claimants. Mr.Satpathy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer is directed to deposit the enhanced compensation of Rs.11,75,000/- (Eleven lakhs seventy five 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 claimants on such terms and proportion to be fixed by the Tribunal. As prayed for by the Insurer, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

7. With aforesaid modification in the compensation amount, both the appeals are disposed of.

8. The statutory deposit made by the Appellant in MACA No.174 of 2018 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.

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

(B.P. Routray)
Judge