

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.29 of 2017

New India Assurance Co. Ltd.

.... Appellant
Mr.P.Sinha Advocate

-versus-

Gitanjali Nayak and others

.... Respondents
Mr.K.C.Nayak, Advocate for Respondent Nos.1 to 4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
21.12.2022

Order No.

9.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Sinha, learned counsel for the Appellant-Insurer and Mr.Nayak, learned counsel for claimant-Respondent Nos.1 & 2.
3. Present appeal by the Insurer-Appellant is directed against the judgment dated 17th November, 2016 of the Second Motor Accident Claims Tribunal, Cuttack, in Misc.Case No.41 of 2006, wherein compensation to the tune of Rs.45,000/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application i.e., 4th February, 2006.
4. Mr.Sinha submits for the Insurer-Appellant that the policy was cancelled and due intimation required under Section 149 of the M.V.Act has been complied with much prior to the accident and therefore, the insurer should be exempted from the liability.

5. However, considering the amount of compensation, which is to the extent of Rs.45,000/- only, along with interest, I am not inclined interfere with the impugned award.

6. Accordingly, the appeal is disposed of with a direction to the Appellant to deposit the entire compensation amount along with interest within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

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

C.R.Biswal