

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.285 of 2020

***The New India Assurance Company
Ltd.***

....

Appellant

Mr. S.K. Dash, Advocate

-versus-

Mamata Behera and Others

....

Respondents

Mr. P.K. Mishra, counsel for Respondents 1-4

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

12.4.2022

Order No.

05. 1. Heard Mr. S.K. Dash, learned counsel for the insurer – Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondents.
2. Present appeal by the insurer has been filed challenging the judgment dated 15th July, 2019 of learned 3rd MACT, Jagatsinghpur passed in MAC No.508 of 2015 wherein compensation to the tune of Rs.9,87,200/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 28th December, 2015 has been granted on account of death of the deceased in the motor vehicular accident dated 5th May, 2015.
3. Having heard both parties and considering the grounds advanced with regard to the quantum, a reduced compensation of Rs.9,00,000/- 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 claimants-Respondents and Mr. Dash, learned counsel for the insurer leaves it to the discretion of the Court. As such, the amount is fixed to the above extent.

4. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation amount of Rs.9,00,000/- (nine lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 28th December, 2015 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents 1 to 4 on such terms and proportion to be fixed by the learned Tribunal. However, as prayed on behalf of the Appellant, 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.

5. 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.

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

(B.P. Routray)
Judge