

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No. 1169 of 2016

M/s. New India Assurance Co. Ltd. Appellant

-versus-

Smrutirekha Mohanty & Others Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
03.03.2022**

**Order
No.**

12. 1. This matter is taken up through Hybrid mode.
2. Heard the learned counsel for the Appellant- Company
 and learned counsel for the Claimant-Respondents.
3. This appeal has been filed by the Appellant-Company
 challenging the award passed by the learned Additional District
 Judge-cum- 4th Motor Accidents Claims Tribunal, Angul in
 M.A.C. No.24 of 2012 vide judgment dated 04.05.2016.
4. Learned Tribunal vide impugned judgment awarded
 compensation of Rs.8,00,000/- along with simple interest @
 7 % Per Annum from the date of filing of the application till the
 date of payment.

5. Learned counsel for the Appellant vehemently argued that the compensation awarded in favour of the Claimants-Respondents is on the higher side and the Claimants-Respondents are not eligible and entitled to such higher amount of compensation.

6. As revealed from the impugned judgment, even though the award has been passed since 04.05.2016, in view of the pendency of the appeal, the Claimants-Respondents have been deprived from getting any amount so awarded in their favour. Therefore, taking into account the grounds taken by the Appellant-Company and on hearing the counsel for both the Parties, I deem it fit and proper to reduce the compensation amount from Rs.8,00,000/- to Rs.7,00,000/-.

7. Learned counsel for both the Appellant-Company and Claimants-Respondents also agree to the aforesaid proposition.

8. Accordingly, the Appellant-Company is directed to pay compensation amount of Rs.7,00,000/- along with simple interest @ 7 % Per Annum in favour of the Claimants-Respondents. The Appellant-Company is directed to pay the compensation amount of Rs.7,00,00/- along with simple interest @ 7 % Per Annum from the date of filing of the application till the date of payment. The Appellant-Company is to make the aforesaid payment of Rs.7,00,000/- along with the interest as directed hereinabove within a period of eight weeks from today.

9. It is observed that only on payment of the aforesaid amount along with the interest, the Appellant-Company shall be permitted to take refund of the statutory deposit along with accrued interest from the Registry of this Court.

10. With the aforesaid observation and direction, the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

