

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.302 of 2020

The Divisional Manager, D.O.I., M/s.
New India Assurance Company Ltd. *Appellant*

Mr. A.A. Khan, Advocate

-versus-

Lata Naik and Others *Respondents*

Mr. D. Patnaik, counsel for Respondents 1 & 2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
17.10.2022

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. A.A. Khan, learned counsel for the insurer-Appellant and Mr. D. Patnaik, learned counsel who submits to have filed power on behalf of claimant – Respondents 1 and 2 with consent of the previous lawyer on 14th October, 2022.
 3. Present appeal by the insurer is against the impugned judgment dated 4th September, 2019 of the learned 4th MACT, Cuttack passed in MAC Case No.472 of 2014/349 of 2017 wherein compensation to the tune of Rs.7,00,000/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 14th July, 2014 has been granted on account of death of deceased Paikara Naik in the motor vehicular accident dated 19th June, 2014.
 4. Upon hearing both parties and considering the grounds of challenge as advanced, a reduced compensation of Rs.5,35,000/-

along with 6% is proposed to the parties. This is agreed by Mr. Patnaik, learned counsel for the claimant – Respondents and Mr. Khan, learned counsel for the Appellant leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit a reduced compensation amount of Rs.5,35,000/- (five lakhs thirty-five thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 14th July, 2014, within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the tribunal.

6. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

7. The penal interest of 12% is waived.

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

(B.P. Routray)
Judge