

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.305 of 2020

The Divisional Manager, New India Assurance Company Limited *Appellant*

Mr. A.A. Khan, Advocate

-versus-

Prafulla Pradhan and others *Respondents*

Mr. P.K. Mishra, Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

31.03.2022

Order No.

06.

1. Heard Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent No.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 13.06.2019 of learned 2nd MACAT (SD), Berhampur in MAC No.74 of 2017 (121/2015-GDC) wherein learned Tribunal has granted compensation to the tune of Rs.2,20,000/- along with 7% interest per annum to the claimants from the date of filing of the claim application, i.e.25.04.2015 on account of death of the deceased in the motor vehicular accident dated 13.04.2013.

3. Having heard both the parties and considering the grounds advanced, a reduced compensation to the tune of Rs.1,70,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1 & 2 agrees to the same and Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company leaves it to

the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. The Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.1,70,000/- (rupees one lakh seventy thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.25.4.2015 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants. 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. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

6. The MACA is disposed of with aforesaid directions.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge