

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.324 of 2020

The Divisional Manager, M/s. New India Assurance Co. Ltd. ***Appellant***

Mr.S.Roy, Advocate

-versus-

Sahaba Bibi and others ***Respondents***
Mr.K.K.Das, Advocate for Respondent Nos.1 to 5

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
18.5.2022

Order No.

6.

1. Heard Mr.Roy, learned counsel for the Appellant-Insurer and Mr.Das, learned counsel for claimants-Respondent Nos.1 to 5.

2. Present appeal by the Insurer is against the judgment dated 20th August, 2019 of the learned 1st Addl. District Judge-cum-1st M.A.C.T., Cuttack in MAC Case No.124 of 2016, wherein compensation to the tune of Rs.10,33,900/- has been granted along with interest @ 6% per annum with effect from the date of filing of the claim application on account of the death of the deceased in the motor vehicular accident on 16th December, 2015.

3. Having heard both parties and considering the grounds of challenge advanced, 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.Das, learned counsel for the claimants-Respondent Nos.1 to 5. Mr.Roy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

4. The Insurer-Appellant is directed to deposit the reduced compensation 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 within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

5. The memo along with document i.e., the letter dated 16th April, 2022 filed by Mr.Das is kept on record.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

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