

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.580 of 2018

MACA No.580 & 736 of 2018

Jhunulata Sahoo and Others (In MACA No.580/2018)

***New India Assurance Co. Ltd.,
represented through its Duly
Constituted Attorney, T.P.Cell,
Cuttack***

(In MACA No.736/2018)

.... ***Appellants***

Mr. P.K. Mishra, Advocate (in MACA No.580/2018)

Mr. A.K. Nath, Advocate (in MACA No.736/2018)

-versus-

Bansidhar Mallick & Another (In MACA No.580/2018)

Jhunulata Sahoo and Others (In MACA No.736/2018)

.... ***Respondents***

Mr. A.K. Nath, counsel for Respondent No.2
(in MACA No.580/2018)

Mr. P.K. Mishra, counsel for Respondents 1-4
(in MACA No.736/2018)

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
13.10.2022**

Order No.

- 10.
1. The matters are taken up through hybrid mode.
 2. Heard Mr. A.K. Nath, learned counsel for the insurer and Mr. P.K. Mishra, learned counsel for the claimants.
 3. Both the appeals being arise out of same judgment, are heard together and disposed of by this common order.

4. Both the appeals are against the same impugned judgment dated 19th March, 2018 of learned 3rd MACT, Bhubaneswar passed in MAC Case No.243/125 of 2013, wherein compensation to the tune of Rs.12,80,100/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 6th July, 2013 has been granted on account of death of deceased Surendra Kumar Sahoo in the motor vehicular accident dated 9th February, 2013.

5. It is submitted on behalf of the insurer that I.A. No.1130 of 2022 has been filed for condoning the delay in preferring MACA No.736 of 2018. Upon hearing Mr. Nath as well as Mr. Mishra and considering the grounds mentioned in the I.A., the delay in filing MACA No.736 of 2018 is condoned.

6. MACA No.736 of 2018 has been preferred by the insurer challenging the award. MACA No.580 of 2018 has been preferred by the claimants praying for enhancement of the compensation amount.

7. Upon hearing both parties and considering all such grounds of challenge raised in both the appeals, no merit is seen to disturb the finding of the learned tribunal. As such, the amount of compensation granted by the tribunal is confirmed. However, the rate of interest is reduced to 6% from 7%.

8. In the result, both the appeals are dismissed and the insurer, i.e. New India Assurance Co. Ltd. is directed to deposit the awarded compensation amount along with interest @ 6% per annum from the date of filing of the claim application, i.e. 6th July, 2013, within a period of two months from today, where-after the same shall be disbursed in favour of the claimants as per same terms and condition

contained in the impugned judgment. However, the penal interest @ 8% is waived.

9. The statutory deposit made by the insurer in MACA No.736 of 2018 before this court along with accrued interest be refunded on proper application and on production of proof of deposit before the tribunal.

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

M.K.Panda



(B.P. Routray)
Judge