

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.338 of 2020

***M/s. New India Assurance Company
Ltd.***

.... ***Appellant***

Mr. N. B. Das, Advocate

-versus-

Sasmita Purohit and Others

.... ***Respondents***

Mr. P.K. Mishra, counsel for Respondents 1 & 2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.7.2022

Order No.

- 08.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. N.B. Das, learned counsel for the insurer – Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondent Nos.1 & 2.
 3. It is submitted on behalf of the appellant that present Respondent No.3, who was claimant No.3 being the father of the deceased of the motor vehicular accident, died in the meantime on 15th February, 2020, his name be deleted since the other legal heirs of the deceased i.e. the wife and daughter (present Respondent Nos.1 and 2) are already on record. As such, the name of Respondent No.3 is deleted and the appeal is confined to present Respondent Nos.1, 2 and 4 only.

4. Present appeal by the insurer has been filed challenging the judgment dated 28th October, 2019 of learned 3rd MACT, Jagatsinghpur passed in MAC No.288 of 2012 wherein compensation to the tune of Rs.32,01,376/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 6th December, 2012 has been granted on account of death of the deceased in the motor vehicular accident dated 6th April, 2012.

5. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.32,00,000/- along with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Mishra, learned counsel for the claimant-Respondents and Mr. Das, learned counsel for the insurer leaves it to the discretion of the Court. As such, the amount is fixed to the above extent.

6. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation of Rs.32,00,000/- (thirty two lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 6th December, 2012 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent Nos.1 & 2, namely Sasmita Purohit and Preeti Prava Purohit on such terms and proportion to be decided by learned Tribunal.

7. The statutory deposit made by the appellant before this court along with accrued interest be refunded to the Appellant - insurer on

proper application and on production of proof of deposit of the awarded amount before the tribunal.

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

(B.P. Routray)
Judge

M.K.Panda

