

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.343 of 2020

***Divisional Manager, New India
Assurance Company Ltd.***

.... Appellant

Mr. Nirmal Chandra Mohanty, Advocate

-versus-

Kusuma Manjari Barik and Others

.... Respondents

Mr. P.K. Mishra, counsel for Respondents 1-6

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

15.3.2022

Order No.

05.

1. Heard Mr. N.C. Mohanty, learned counsel for the insurer – Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondents.

2. Present appeal by the insurer is against the impugned judgment dated 7th September, 2012 of the learned 3rd MACT, Jagatsinghpur passed in MAC Case No.197 of 2012 wherein compensation to the tune of Rs.24,57,593/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 21st August, 2012 has been granted on account of death of the deceased in the motor vehicular accident dated 25th February, 2011.

3. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.23,00,000/- 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. Mohanty, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

4. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit the reduced compensation amount of Rs.23,00,000/- (Twenty-three lakh) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 21st August, 2012 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 as per the direction of learned Tribunal.

5. 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.

6. The appeal is disposed of.

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

(B.P. Routray)
Judge