

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7497 of 2008

***Regional Manager, National
Insurance Co. Ltd.***

....

Petitioner(s)

Mr. S.R. Pattnaik,
Ms. P. Pattnaik,
Advocates

-versus-

Dambarudhar Nayak & Ors.

....

Opposite Party(s)

Mr. A.S. Nandy,
Advocate for O.P.2

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
21.11.2022**

Order No.

06.

1. Heard the submission of learned counsel for respective parties.
2. This Writ Petition involves a challenge to the notice at Annexure-3 on the grounds stated in paragraph no.9 of the Writ Petition.
3. Undisputedly there has been an award in Misc. (A). Case No.8 of 1991 (D) in the participation of all the parties. Through paragraph no.9 it has been submitted that the case was heard at some place and the award was passed at some other place and the Insurance Company Counsel was not able to know the outcome for long time. In some and substance there was attempt to block the interest aspect. This Court records the statement of learned counsel for Petitioner that there is already payment of a sum of Rs.25,000/- as an interim compensation and later on there is also payment of a sum of Rs.77,000/- which is also confirmed by the Opposite Parties i.e. the claimants. This Court from

the notice at Annexure-3 finds, a certificate case was initiated for recovery of a sum of Rs.90844/-. This amount appears to be the balance amount towards the principal amount after adjustment of a sum of Rs.25,000/- paid as interim compensation and includes interest as per award. For the clear submission of the Insurance Company that they have already paid a sum of Rs.77,000/- in the meantime, this Court since finds no ground to interfere in such notice, however, while declining to interfere in the notice at Annexure-3 this Court observes, as a substantial amount is already paid to cut short the dispute between the parties, keeping in view that the Motor Accident Claim Case was instituted in the year 1991 and We are already in 2022 and almost three decades have passed in the meantime, this Court observes, in the event the Insurance company deposits at least a sum of Rs.40,000/- (Rupees Forty thousand) within a period of one month hence before the Certificate Officer, drawing the cheque in that regard in the name of Rajani Nayak one of the parents of the claimant, the certificate proceeding shall be dropped. Failure of compliance of this order shall invite continuance of the certificate proceeding. This Court records the submission of the learned counsel for claimants that there shall be no objection to the above payment by none of the claimants.

4. The Writ Petition stands disposed of with the above order.

(Biswanath Rath)
Judge