

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.344 of 2020

***Divisional Manager, National
Insurance Company Ltd.***

....

Appellant

Mr. Subrat Satpathy, Advocate

-versus-

Basanti Jhankar and Others

....

Respondents

Mr. K.C. Nayak, counsel for Respondents 1-3

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

11.4.2022

Order No.

- 04.
1. Heard Mr. S. Satpathy, learned counsel for the insurer – Appellant and Mr. K.C. Nayak, learned counsel for claimant – Respondents.
 2. Present appeal by the insurer has been filed challenging the judgment dated 30th April, 2019 of learned 3rd MACT, Jagatsinghpur passed in MAC No.109-2013 wherein compensation to the tune of Rs.4,36,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 17th May, 2013 has been granted on account of death of the deceased in the motor vehicular accident dated 4th June, 2012.
 3. It is submitted on behalf of the Appellant that since the F.I.R. under Ext.1 was lodged after five months of the accident on 14th

November, 2012, there is every possibility of implanting the vehicle in question to manage compensation.

4. Upon examination of such submission, nothing is found on record in support of the same. On the other hand it is seen that, police upon investigation, has submitted charge-sheet against the driver of the offending vehicle, i.e., motor cycle bearing registration number OR 05 AJ 8266. Therefore, in absence of any material to that effect such contention of the Appellant is rejected being without substance.

5. Considering the grounds of challenge with regard to quantum of compensation, a reduced compensation of Rs.4,00,000/- along with interest @ 6% per annum is proposed to the parties. This is agreed by Mr. Nayak, learned counsel for the claimants and Mr. Satpathy, 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.4,00,000/- (four lakh) before the tribunal with interest @ 6% per annum from the date of filing of the claim application, i.e. 17th May, 2013 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent Nos.1 to 3 on such terms and proportion to be decided by the learned Tribunal.

7. The statutory deposit made by the insurer – Appellant before this court along with accrued interest be refunded 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

