

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.602 of 2018

MACA No.602 & 603 of 2018

The Divisional Manager, ***Appellant***
The Oriental Insurance Co. Ltd ***in both appeals***
Mr. Mohan Charan Nayak, Advocate

-versus-

Smt. Saraswati Nayak & Others (In MACA No.602/2018)

Sudarsan Parida and Another (In MACA No.603/2018)

..... ***Respondents***

Mr. C.R. Pattnaik, counsel for Respondent No.1
in both the appeals

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
13.10.2022

Order No.

09. 1. The matters are taken up through hybrid mode.
2. Heard Mr. M.C. Nayak, learned counsel for the insurer and Mr. C.R. Pattnaik, learned counsel for the claimants in both the appeals.
3. Both the appeals being arise out of the common judgment, are heard together and disposed of by this common order.
4. Both the appeals are against the common impugned judgment dated 19th January, 2018 of learned 1st MACT, Balasore passed in MAC Case No.135 of 2016 and MAC Case No.140 of 2016. MACA No.602 is in respect of MAC Case No.135 of 2016 wherein compensation to the tune of Rs.10,58,000/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e.

4th April, 2016 has been granted on account of death of deceased Goutam Nayak in the motor vehicular accident dated 1st March, 2016. MACA No.603 is in respect of MAC Case No.140 of 2016 wherein compensation to the tune of Rs.1,89,125/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 6th April, 2016 has been granted on account of injuries sustained by the injured-claimant Sudarsan Parida in that accident.

5. Upon hearing both parties and considering the grounds of challenge as advanced by Mr. Nayak on behalf of the insurer, which are mainly on the quantum of compensation, the same are not found convincing and as such, no reason is found to interfere with the impugned judgment. The amount of compensation granted by the tribunal is thus confirmed. However, the rate of interest is reduced to 6% from 7.5% as directed by the tribunal.

6. In the result both the appeals are disposed of with direction to the insurer in both the appeals, i.e., Oriental Insurance Co. Ltd. to deposit the respective compensation amount as directed by the tribunal before the tribunal along with interest @ 6% per annum from the date of filing of respective claim applications, i.e. 4th and 6th April, 2016 respectively, within a period of two months from today; whereafter the same shall be disbursed in favour of the respective claimants on same terms and proportion as contained in the impugned judgment.

7. It goes without saying that this court has not disturbed the direction of the tribunal regarding right of recovery granted in favour of the insurer.

8. The statutory deposit made by the insurer before this court in both the appeals along with accrued interest be refunded on proper application and on production of proof of deposit before the tribunal.
9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

