

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1366 of 2016

Lambodar Panda and another ***Appellants***
Mr.P.K.Mishra, Advocate

-versus-

Abdul Khadar Mohammad and another ***Respondents***
Mr.P.K.Panda, Advocate for Respondent No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
07.09.2022

Order No.

11.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra on behalf of Mr.S.K.Sarangi, learned counsel for the Appellants and Mr.Panda, learned counsel for the Insurer-Respondent No.2.
3. Present appeal by the claimants-Appellants is directed against the judgment dated 20th August, 2016 passed by learned Motor Accident Claims Tribunal, Balasore in M.A.C. Case No.247 of 2014, wherein compensation to the tune of Rs.30,00,000/- has been granted along with interest @ 7.5% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 6th April, 2014.
4. Upon hearing both parties and considering all such grounds of challenge advanced including non-addition of future prospects

in the income part, a further consolidated sum of Rs.17,00,000/- is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel for the claimants-Appellants. Mr.Panda, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer is directed to deposit the further consolidated sum of Rs.17,00,000/-(Seventeen lakhs) before the Tribunal from the date of filing of the claim application within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the Tribunal. As prayed for by the Insurer, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge