

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1299 of 2016

New India Assurance Company Ltd. ***Appellant***

Mr. N.C. Mohanty, Advocate

-versus-

Boda Bhabani and another ***Respondents***

Mr. P.K. Behera, Advocate for Respondent No.1

Mr. N.K. Mishra, Senior Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

06.12.2022

Order No.

06.

1. Heard Mr. N.C. Mohanty, learned counsel for the Appellant-Insurance Company, Mr. P.K. Behera, learned counsel for the Respondent No.1-claimant and Mr. N.K.Mishra, learned Senior Advocate for the Respondent No.2-owner.

2. Present appeal by the insurer is directed against the judgment dated 15.07.2016 of learned M.A.C.T., Jeypore in M.A.C. Case No.75 of 2013(T) wherein compensation to the tune of Rs.11,44,000/- has been granted along with interest @7.5% per annum to the claimants from the date of filing of the claim application, i.e. 19.03.2013 on account of injury sustained by her in the motor vehicular accident dated 15.11.2012.

3. Since the appeal is mainly on the question of quantum of compensation, upon hearing all the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.10,80,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Behera, learned counsel for the

claimant-Respondent No.1 agrees to the same and Mr. N.K. Mishra, learned Senior Advocate for the Respondent No.2-owner has no objection on the same. Mr. N.C. Mohanty, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.10,80,000/- (rupees ten lakhs eighty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e. 19.03.2013 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant-Respondent No.1 on such terms and proportion to be fixed by the Tribunal.

5. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

6. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge