

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.362 of 2020

***The New India Assurance Company
Ltd. through its Manager, Third Party
Cell*** ***Appellant***

Mr. S.A. Alli, Advocate

-versus-

Samar Keshari Maharatha and Others ***Respondents***

Mr. D. Patnaik, counsel for Respondents 1 to 3

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
20.9.2022

Order No.

- 06.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. S.A. Alli, learned counsel for the insurer-Appellant and Mr. D. Patnaik, learned counsel for claimant – Respondent Nos.1 to 3.
 3. Present appeal by the insurer is against the impugned judgment dated 13th March, 2019 of the learned 4th MACT, Cuttack passed in MAC Case No.134 of 2013/400 of 2017 wherein compensation to the tune of Rs.6,34,800/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 13th February, 2013 has been granted on account of death of Sunil Kumar Maharatha in the motor vehicular accident dated 13th February, 2013.
 4. Upon hearing both parties and considering the grounds of challenge as advanced, a reduced compensation of Rs.5,30,000/- along with 6% is proposed to the parties. This is agreed by Mr.

Pradhan, learned counsel for the claimant – Respondents and Mr. Alli, learned counsel for the Appellant leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit a reduced compensation amount of Rs.5,30,000/- (five lakhs thirty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 13th February, 2013, within a period of three months from today, which shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the tribunal.

6. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge