

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.373 of 2020

***The Manager, T.P. Cell, D.O.-I, N.I.A.
Co. Ltd.***

.... ***Appellant***

Mr. N.S. Ghose, Advocate

-versus-

Pranakrushna Subudhi and Another ***Respondents***

Mr. B.K. Mohanty, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER
23.8.2022

Order No.

- 09.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. N.S. Ghose, learned counsel for the insurer – Appellant and Mr. B.K. Mohanty, learned counsel for claimant – Respondent No.1.
 3. Present appeal by the insurer is against the impugned judgment dated 8th November, 2019 of the learned 1st MACT, Cuttack passed in MAC Case No.1029 of 2014 wherein compensation to the tune of Rs.1,90,000/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 27th December, 2014 has been granted on account of death of the deceased Narasingha Sahu in the motor vehicular accident dated 18th June, 2014.
 4. The main contention of challenge is that the offending vehicle had no valid permit on the date of accident. It is seen from the impugned judgment that the learned tribunal has discussed about the same and granted right of recovery in favour of the insurer.

5. In course of hearing Mr. Ghose, learned counsel for the Insurer seeks permission for withdrawal of the appeal.

6. Accordingly, the appeal is dismissed as withdrawn and the Appellant - insurer is directed to deposit the entire compensation amount along with interest before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent No.1 on such terms and proportion as contained in the impugned judgment.

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