

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.384 of 2017

The Manager, Choramandalam, M/S
General Insurance Company Ltd. ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Patras Toppo and Another ***Respondents***

Mr. P.K. Nayak, counsel for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROURAY

ORDER
26.10.2022

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. G.P. Dutta, learned counsel for the insurer-Appellant and Mr. P.K. Nayak, learned counsel for the claimant – Respondent No.1.
 3. Present appeal by the insurer is against the impugned judgment dated 26th December, 2016 of the learned 3rd MACT, Rourkela passed in MAC Case No.383 of 2014 wherein compensation to the tune of Rs.14,17,600/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 23rd December, 2014 has been granted on account of injuries sustained by the injured-claimant in the motor vehicular accident dated 12th October, 2014.
 4. Upon hearing both parties and considering the grounds of challenge as advanced, a reduced compensation of Rs.13,00,000/- along with 6% is proposed to the parties. This is agreed by Mr. Nayak,

learned counsel for the injured-claimant and Mr. Dutta, learned counsel for the insurer 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.13,00,000/- (thirteen lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 23rd December, 2014, 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 to be decided by the learned 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