

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.905 of 2017

***Divisional Manager, National
Insurance Co. Ltd.***

.... ***Appellant***
Mr.P.K.Mahali, Advocate

-versus-

Kamini Bewa and others

.... ***Respondents***
Mr.R.P.Bhagat, Advocate for Respondent Nos.1 to 3

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
10.01.2022**

Order No.

11.

1. This matter is taken up by video conferencing mode.
2. Heard Mr.Mahali, learned counsel for the Appellant and Mr.Bhagat, learned counsel for Respondent Nos.1 to 3.
3. The insurer has challenged the impugned judgment dated 20.05.2017 of the 5th M.A.C.T., Khurda in MAC No.80 of 2015 wherein the learned Tribunal has directed for grant of compensation to tune of Rs.2,46,000/- along with interest @6% per annum from the date of filing of the claim application i.e., 28th October, 2015.
4. It is submitted by Mr.Mahali, learned counsel for the Appellant that though as per the Voter Identity Card, the age of the deceased is 68, but the Tribunal based on the postmortem report has erroneously determined the age of the deceased as 60 years and consequently applied multiplier '9' instead of '5'.
5. As the application of multiplier seems to be the main ground of challenge, without further getting into the dispute in

determining the compensation, the Insurer-Appellant is directed to pay a sum of Rs.2,25,000/-(Two lakhs twenty five thousand) consolidated to the claimants-Respondents within a period of eight weeks from today, which shall be disbursed in favour of the claimants in such proportionate to be determined by the learned Tribunal.

6. The appeal is disposed of.

7. The statutory deposit made by the Appellant be refunded to him on proper application and on production of proof of deposit of the awarded amount before the learned Tribunal.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April,2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January,2022.

(B.P. Routray)
Judge