

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1028 of 2017

National Insurance Co.Ltd. ***Appellant***
Mr.Gautam Misra, Sr.Advocate

-versus-

Jhuna Swain and others ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 5

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
14.9.2022

Order No.

06.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.G.Mishra, learned Senior Advocate for the Appellant-Insurer and Mr.P.K.Mishra, learned counsel for claimants-Respondent Nos.1 to 5.
3. Present appeal by the Appellant is against the judgment dated 11th May, 2017 of the District Judge-cum-1st M.A.C.T., Nayagarh, in M.A.C. Case No.83 of 2014, wherein compensation to the tune of Rs.42,69,704/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 7th November, 2014.
4. Upon hearing both parties and considering all such grounds, which are mainly on the quantum of compensation, and considering 40% future prospects on the average annual income

of the deceased for last three years from the date of accident, a reduced compensation of Rs.34,20,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel for the claimants-Respondent Nos.1 to 5. Mr.Misra, learned Senior Counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.34,20,000/- (Thirty four lakhs twenty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

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

8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge