

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.389 of 2020

Divisional Manager, Cholamandalam M/s.General Insurance Company Limited ***Appellant***

Mr. A.A. Khan, Advocate

-versus-

Malati Dash and others ***Respondents***
Mr. P.K. Mishra, Advocate for Respondent Nos.1 to 7

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
19.04.2022

Order No.

06.

1. Heard Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 to 7-claimants.

2. Present appeal by the insurer is directed against the judgment dated 16.12.2019 of learned 3rd MACT, Jagatsinghpur in MAC No.161/2016 wherein learned Tribunal has granted compensation to the tune of Rs.65,65,349/- along with 7% interest per annum to the claimants from the date of filing of the claim application, i.e.28.10.2016 on account of death of the deceased in the motor vehicular accident dated 21.06.2016.

3. The main contention raised on behalf of the Appellant is that the age of the deceased has been wrongly calculated as 40 years instead of 46 years. The date of birth of the deceased as reflected in Employer's Identity Card is 08.05.1970.

4. Mr. P.K. Mishra, learned counsel for Respondent Nos.1 to 7 (claimants) fairly agrees to the said date of birth of the deceased mentioned in the Employer's Identity Card.

5. Upon hearing both the parties and considering the grounds advanced, if the age of the deceased is taken as 46 years on the date of accident, the multiplier '13' is found applicable instead of '15'. Considering the same and further deducting the tax components from the income of the deceased, a reduced compensation of Rs.56,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1 to 7 agrees to the same and Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.56,00,000/- (rupees fifty-six lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.28.10.2016 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the Tribunal.

7. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

8. The MACA is disposed of with aforesaid directions.

9. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

