

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.219 of 2022

Manager, T.P.Cell New India ***Appellant***
Assurance Co. Ltd.

Mr.Somnath Roy, Advocate

-versus-

Manorama Rath and others ***Respondents***
Mr.Jitendra Mohanty, Advocate
for Respondent Nos.1 to 4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
12.9.2022

Order No.

05.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Roy, learned counsel for the Appellant-Insurer and Mr.Mohanty, learned counsel for claimants-Respondent Nos.1 to 4.
3. Present appeal by the Appellant is against the judgment dated 20th December, 2021 of the 1st Addl. District Judge-cum-1st M.A.C.T., Cuttack, in M.A.C. Case No.1045 of 2014, wherein compensation to the tune of Rs.41,55,569/- has been granted along with interest @6% 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 12th January, 2014.
4. Upon hearing both parties and considering all such grounds of challenge advanced, a reduced compensation of

Rs.37,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mohanty, learned counsel for the claimants-Respondent Nos.1 to 4. Mr.Roy, learned 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.37,00,000/- (Thirty seven lakhs) 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. However, the penal interest of 12% as directed by the Tribunal is waived.

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

