

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.406 of 2020

***The Divisional Manager, The New
India Assurance Co. Ltd.***

.... ***Appellant***
Mr.S.K.Sarangi, Advocate

-versus-

Sarita Minz @ Badaik and others

.... ***Respondents***
Mr.P.C.Chhinchani, Advocate
for Respondent Nos.1 & 2

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

**ORDER
13.5.2022**

Order No.

5.

1. Heard Mr.Sarangi, learned counsel for the Appellant and Mr.Chhinchani, learned counsel for claimants-Respondent Nos. 1 to 4.
2. It is submitted by Mr.Chhinchani that in the meantime respondent no.4-Paulus Minz, father of the deceased died on 6.9.2021. A copy of the death certificate along with the memo is filed to that effect in Court. It is further submitted that since all other L.Rs are already on record, there is no requirement for substitution of Respondent No.4.
3. Present appeal by the Insurer is against the judgment dated 17th December, 2019 of the learned 1st Addl. District Judge-cum-IIIrd M.A.C.T., Rourkela in M.A.C.Case No.359 of 2017, wherein compensation to the tune of Rs.63,50,448/- 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 17th November, 2017.

4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.60,00,000/- (Sixty lakhs) along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Chhinchani, learned counsel for the claimants-Respondents. Mr.Sarangi, 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.60,00,000/- (Sixty 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.

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

