

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.413 of 2020 & MACA No.448 of 2020**

**In MACA No.413 of 2020**

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

Mr. B. Dasmohapatra, Advocate

*-versus-*

*Sudarsan@Sudarshan Dhal and .... Respondents*  
*another*

Mr. P.K. Mishra, Advocate for Respondent No.1

**In MACA No.448 of 2020**

*Sudarsan@Sudarshan Dhal .... Appellant*  
Mr. P.K. Mishra, Advocate

*-versus-*

*Mirza Nasad Beg@Baig and another .... Respondents*  
Mr. B. Dasmohapatra, Advocate for Respondent No.2

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

**ORDER**  
**31.03.2022**

**Order No.**

**I.A. No.700 of 2020 arising out of MACA No.448 of 2020**

- 06.
1. Heard Mr. P.K. Mishra, learned counsel for claimant as well as Mr. B. Dasmohapatra, learned counsel for the Insurance Company.
  2. Upon hearing both parties and considering the grounds mentioned in the petition, the delay in filing the appeal is condoned.
  3. I.A. is disposed of.

**MACA No.413 of 2020 & MACA No.448 of 2020**

4. Both the appeals being arise out of the same judgment are heard together and disposed of by this common order.

5. Heard Mr. P.K. Mishra, learned counsel for the claimant in both the appeals and Mr. B. Dasmohapatra, learned counsel for the Insurance Company.

6. Both the appeals are against the common judgment dated 30.11.2019 in MAC No.8 of 2015 of 3<sup>rd</sup> M.A.C.T., Jagatsinghpur, wherein learned Tribunal has granted compensation to the tune of Rs.14,54,900/- along with 7% interest per annum to the claimant from the date of filing of the application i.e.27.01.2015 on account of injury sustained by the claimant in the motor vehicular accident dated 3.11.2014.

7. In MACA No.448 of 2020, the claimant has prayed for enhancement of the compensation amount. MACA No.413 of 2020 has been filed by the Insurance Company challenging the quantum of compensation.

8. Having heard both the parties and considering the grounds of challenge advanced by the respective parties, a reduced compensation to the tune of Rs.12,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimant agrees to the same and Mr. B. Dasmohapatra, learned counsel for the Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

9. The insurer (Appellant in MACA No.413 of 2020 and Respondent No.2 in MACA No.448 of 2020) is directed to deposit the reduced compensation of Rs.12,00,000/- (rupees twelve lakhs) before the learned Tribunal along with interest @6% per annum from the date of filing of claim application i.e.27.01.2015 within a period of two months from today; whereafter the same shall be the disbursed in favour of the claimants on such terms and proportion to be decided by the Tribunal. However, as prayed on behalf of the Insurance Company, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

10. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit before this Court with a refund application, the statutory deposit made before this Court in MACA No.413 of 2020 with accrued interest thereon shall be refunded to the Insurance Company.

11. Both the appeals are disposed of.

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

**( B.P. Routray )**  
**Judge**