

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.382 of 2019

M/s.S.B.I. General Insurance Co. Ltd.* *Appellant

Mr. G.P. Dutta, Advocate

-versus-

Adarsha Kumar Jena and others* *Respondents

Mr. B. Singh, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

07.04.2022

Order No.

10.

1. Notice in respect of Respondent Nos.1, 3 & 5 is treated sufficient in terms of the order dated 7.3.2022.

2. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company as well as Mr. B. Singh, learned counsel for the Respondent No.2-claimant.

3. Present appeal by the insurer is directed against the judgment dated 24.12.2018 of learned IVth MACT, Balasore in MAC Case No.01/293 of 2017/2013 wherein learned Tribunal has granted compensation to the tune of Rs.7,98,000/- along with 7.5% interest per annum to the claimant from the date of filing of the claim application, i.e.14.08.2013 on account of death of the deceased in the motor vehicular accident dated 26.07.2013.

4. Learned counsel for the Appellant submits that the main challenge in the appeal is that, the claimant along with some others have filed another claim application at Baripada in MAC

No.134 of 2013 before the learned 5th MACT, Baripada, Mayurbhanj. Therefore, their claim in the present application should not be granted.

5. Mr. B. Singh, learned counsel for the claimant-Respondent No.2 in reply submits that in the meantime said MAC No.134/2013 before the learned 5th MACT, Baripada has been withdrawn by the claimants on 26.7.2019 and therefore, no further impediment is there to entertain the present claim of the claimants. The fact of withdrawal of the claim case at Baripada in MAC No.134/2013 is confirmed by Mr. Dutta, learned counsel for the Appellant.

6. Now coming to the challenge with regard to quantum of compensation, considering the submissions made by both the parties, a reduced compensation to the tune of Rs.6,75,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. B. Singh, learned counsel for the claimant-Respondent No.2 agrees to the same and Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

7. The Appellant – Insurance Company is directed to deposit such reduced compensation of Rs.6,75,000/- (rupees six lakhs seventy-five thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.14.08.2013 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants-

Respondent Nos.2 & 5 on such terms and proportion to be fixed by the Tribunal.

8. 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.

9. The MACA is disposed of with aforesaid directions.

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

(*B.P. Routray*)
Judge

