

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.667 of 2018

Alexandara Lakra and Others ***Appellants***

Mr. P.K. Nayak, Advocate

-versus-

Raj Kumar Barik and Others ***Respondents***

Mr. G.P. Dutta, counsel for Respondent No.2

Mr. A.A. Khan, Counsel for Respondent No.4

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
24.8.2022

Order No.

I.A. No.925 of 2018

05. 1. The matter is taken up through hybrid mode.
2. The claimants being the Appellants are exempted from payment of deficit court fee for the time being
3. The I.A. is disposed of.

I.A. No.926 of 2018

06. 4. Heard Mr. P.K. Nayak, learned counsel for the Appellants, Mr. G.P. Dutta, learned counsel for insurer – Respondent No.2 and Mr. A.A. Khan, learned counsel for Respondent No.4.
5. Upon hearing all the parties and considering the grounds mentioned in the application the delay in filing the appeal is condoned.

6. The I.A. is disposed of.

MACA No.667 of 2018

07. 7. Present appeal by the claimants is for enhancement of the compensation awarded in the impugned judgment dated 9th November, 2017 of learned 3rd MACT, Rourkela passed in MAC Case No.297 of 2015 wherein Rs.75,000/- along with interest @ 6% per annum from the date of filing of the claim application i.e. 2nd November, 2015 has been granted on account of death of deceased in the motor vehicular accident dated 26th September, 2015.

8. Having heard all the parties and considering the grounds of challenge advanced, a further consolidated sum of Rs.35,000/- is proposed to the parties in course of hearing. This is agreed by Mr. Nayak, learned counsel for the claimant-Appellants and Mr. Dutta, learned counsel for the insurer of the offending truck - Respondent No.2 leaves it to the discretion of the Court. Mr. Khan, learned counsel for insurer of the offending Bolero vehicle – Respondent No.4 has no reason to give any opinion since the amount on his part has been paid upon compromise. As such the amount is fixed to the said extent.

9. In the result, the appeal is disposed of with a direction to the insurer – Respondent No.2 i.e. Magma HDI General Insurance Co. Ltd. to deposit a further consolidated sum of Rs.35,000/- (thirty-five thousand) before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the

claimant – Appellants on such terms and proportion to be decided by the learned Tribunal.

10. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

