

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.419 of 2019 And MACA No.217 of 2019

MACA No.419 of 2019

***Sr.Divisional Manager,
National Insurance Co. Ltd.***

.... ***Appellant***
Mr.S.Satpathy, Advocate

-versus-

Sankar Mukharjee and another ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent No.1

AND

MACA No.217 of 2019

Sankar Mukharjee

.... ***Appellant***
Mr.P.K.Mishra, Advocate

-versus-

Ajaya Kumar Pandab and another ***Respondents***
Mr.S.Satpathy, Advocate for Respondent No.2

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

ORDER
03.11.2022

Order No.

08.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Satpathy, learned counsel for the Insurer and Mr.Mishra, learned counsel for the claimant.
3. Both the appeals arise out of the same judgment dated 14th December, 2018 passed by the learned Member, 7th M.A.C.T., Bhubaneswar, in M.A.C. Case No.253 of 2015,

wherein compensation to tune of Rs.24,04,207/- along with interest @6% per annum has been granted from the date of filing of the claim application on account of injuries sustained by the claimant in the motor vehicular accident dated 4th January, 2015.

4. MACA No.419 of 2019 has been preferred by the Insurer challenging the compensation amount and MACA No.217 of 2019 has been filed by the claimant praying for enhancement of the compensation amount.

5. Upon hearing both parties and considering all such grounds advanced by both parties, a reduced compensation of Rs.20,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel for the claimant. Mr.Satpathy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer is directed to deposit the reduced compensation of Rs.20,00,000/- (Twenty lakhs) along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, both the appeals are disposed of.

8. The statutory deposit made by the Insurer in MACA No.419 of 2019 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.

9. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

