

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.420 of 2019

D.M., IFFCO TOKIO G.I.CO.Ltd. ***Appellant***
Mr.Adam Ali Khan, Advocate

-versus-

Rajalaxmi Rath and others ***Respondents***
Mr.A.K.Otta, Advocate for Respondent Nos.1,3,4 & 5

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
28.3.2022

Order No.

8.

1. Heard Mr.Khan, learned counsel for the Appellant and Mr.Otta for Mr.Dasmohapatra, learned counsel for the claimants-Respondent Nos.1, 3, 4 & 5.

2. Present appeal by the Insurer is directed against the judgment dated 16th February, 2019 passed by learned 3rd Addl. District Judge-cum-4th M.A.C.T., Cuttack in M.A.C.No.278-14/154-16, wherein compensation to the tune of Rs.16,00,000/- has been granted along with interest @ 6% 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 22nd January, 2014.

3. Mr.Khan, learned counsel for the Appellant contends on behalf of the Appellant that the offending vehicle i.e., Bolero Pick-up bearing Registration No.OD-25-7004 has been planted in

this case though was not involved in the accident. This contention of Mr.Khan is rejected outright in absence of any material or evidence brought on record to that effect.

4. Considering the grounds of challenge on the question of quantum of compensation, a reduced compensation of Rs.14,50,000/- (Fourteen lakhs fifty thousand) along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Otta, who has been authorized by Mr.Dasmohapatra, learned counsel for the claimants- Respondents. Mr.Khan, 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.14,50,000/- (Fourteen lakhs fifty thousand) 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 same terms and proportion as directed by the Tribunal. However, the penal interest @12% is waived.

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

C.R.Biswal

