

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.485 of 2020

National Insurance Co. Ltd. ***Appellant***
Ms.Nibedita Mohanty, Advocate

-versus-

Rila Mallik and others ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 3

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
07.09.2022

Order No.

5.

1. The matter is taken up through Hybrid mode.
2. Heard Ms.Mohanty, learned counsel for the Appellant and Mr.Mishra, learned counsel for the claimants-Respondent Nos.1 to 3.
3. Present appeal by the Insurer is directed against the judgment dated 25th June, 2019 passed by learned 3rd M.A.C.T., Jagatsinghpur in M.A.C. Case No.155 of 2016, wherein compensation to the tune of Rs.11,48,000/- has been granted along with interest @ 7% 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 dated 22nd August, 2016.
4. Upon hearing both parties and considering all such grounds advanced, a reduced compensation of Rs.10,50,000/- 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 claimants-Respondent Nos.1 to 3. Ms.Mohanty, 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.10,50,000/- (Ten 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; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the Tribunal. As prayed for by the Appellant, 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.

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

