

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.486 of 2020

***Oriental Insurance Company Ltd.,
represented through its Divisional
Manager, Saheed Nagar, BBSR***

....

Appellant

Ms. Nibedita Mohanty, Advocate

-versus-

Smt. Geeta Kadraka and Others

....

Respondents

Mr. K.C. Nayak, counsel for Respondents 1 to 3

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
21.12.2022

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. Heard Ms. N. Mohnaty, learned counsel for the insurer – Appellant and Mr. K.C. Nayak, learned counsel for the claimant – Respondents.
 3. Present appeal by the insurer is against impugned judgment dated 30th November, 2019 of the learned District Judge-cum- MACT, Rayagada passed in MAC No.11 of 2018, wherein compensation to the tune of Rs.12,79,600/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 18th May, 2018 has been granted on account of death of deceased Rahul Kadraka in the motor vehicular accident dated 6th April, 2018.
 4. Upon hearing both parties and considering all such grounds of challenge, a reduced compensation of Rs.10,25,000/- along with 6% interest is proposed to the parties. This is agreed by Mr. Nayak,

learned counsel for the claimant – Respondents and Ms. Mohanty, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation amount is fixed to the said extent.

5. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit a reduced compensation of Rs.10,25,000/- (ten lakhs twenty-five thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 18th May, 2018, within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the learned tribunal.

6. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

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

(B.P. Routray)
Judge