

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.487 of 2020**

***The Divisional Manager (Legal), .... Appellant***  
***M/s.New India Assurance Co. Ltd.***

Mr.A.A.Khan, Advocate

*-versus-*

***Jogesh Kumar @ Mathurananda Swain .... Respondents***  
***and another***

Mr.P.K.Mishra, Advocate for Respondent No.1

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

**ORDER**  
**8.8.2022**

**Order No.**

08.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Khan, learned counsel for the Appellant-Insurer and Mr.Mishra, learned counsel for claimant-Respondent No.1.
3. Present appeal by the Appellant is against the judgment dated 16<sup>th</sup> December, 2019 of the District-cum-Ist M.A.C.T., Jagatsinghpur in MAC Case No.49 of 2015, wherein compensation to the tune of Rs.25,95,722/- 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 on 25<sup>th</sup> January, 2015.
4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.21,00,000/-

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-Respondent No.1. 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.21,00,000/- (Twenty one lakhs) before the Tribunal 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 claimant on such terms and proportion to be fixed by the Tribunal.

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**