

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.493 of 2020

***The Divisional Manager, M/s. The New
India Assurance Co. Ltd.***

....

Appellant

Mr. N.K. Mohanty, Advocate

-versus-

Narayan Barik and Another

....

Respondents

Mr. B. Singh, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

15.02.2022

Order No.

05. 1. Heard Mr. N.K. Mohanty, learned counsel for the insurer – Appellant and Mr. B. Singh, learned counsel for claimant – Respondent No.1.

2. Present appeal by the insurer is against impugned judgment dated 7th February, 2020 of the learned 4th MACT, Bhubaneswar in MAC No.232 of 2006 wherein compensation to the tune of Rs.2,02,000/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 19th June, 2006 has been granted in favour of the claimant on account of injuries sustained by him in the motor vehicular accident dated 16th April, 2006.

3. In course of hearing a reduced compensation amount of Rs.1,80,000/- along with interest is proposed to the parties to which learned counsel for the Claimant – Respondent agrees and Mr.

Mohanty leaves it to the discretion of the Court. As such, the compensation is reduced to the above extent.

4. The insurer – Appellant is directed to deposit the reduced/modified compensation amount of Rs.1,80,000/- (one lakh eighty thousand) before the learned tribunal along with interest @ 6% per annum from the date of filing of the claim application i.e. 19th June, 2006 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant on the same terms and proportion as directed in the impugned judgment.

5. It goes without saying that the penal interest is waived and the right of recovery as granted by the Tribunal in favour of the insurer is left undisturbed.

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

7. The appeal is disposed of.

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

(B.P. Routray)
Judge