

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.201 of 2021

***The D.M., M/s.National Insurance Co. Appellant
Ltd.***

Mr. P.K. Mahali, Advocate

-versus-

Narendra Rout and others Respondents

Mr. P.K. Mishra, Advocate for Respondent Nos.1 to 3

CORAM:

JUSTICE B. P. ROUTRAY

**ORDER
22.03.2022**

Order No.

04.

1. Heard Mr. P.K. Mahali, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 to 3-claimants.

2. Present appeal by the insurer is directed against the judgment dated 03.09.2020 of learned 1st MACT, Cuttack in MAC Case No.252 of 2017 wherein learned Tribunal has granted compensation to the tune of Rs.9,10,000/- along with 6% interest per annum to the claimants from the date of filing of the claim application, i.e.19.4.2017 on account of death of the deceased in the motor vehicular accident dated 23.2.2017.

3. Mr. P.K. Mahali, learned counsel for the Appellant submits that as per the age recorded in the Voter ID Card, the age of the deceased would be 45 years on the date of accident. Accordingly, the multiplier should be reduced to '14' instead of '15' and the future prospects should be to the extent of '25%' instead of

‘40%’. He further submits that the driver of the offending vehicle had no valid DL on the date of accident.

4. In reply to the same, Mr. Mishra, learned counsel for the claimants-Respondent Nos.1 to 3 fairly agrees to the suggested age of the deceased as per submission of the Appellant and consequential reduction of multiplier. He further submits that the number of DL so recorded in the seizure list by the Police is not correct and the correct number is OR-05-1-9960143526, which is a valid DL. This is not disputed by Mr. P.K. Mahali, learned counsel for the Appellant.

5. Having heard both the parties and considering the grounds of challenge advanced, a reduced compensation to the tune of Rs.7,70,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1 to 3 agrees to the same and Mr. P.K. Mahali, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. The Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.7,70,000/- (rupees seven lakhs seventy thousand) before the tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.19.4.2017 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.

7. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

8. The MACA is disposed of with aforesaid directions.

9. An urgent certified copy of this order be granted on proper application.

(*B.P. Routray*)
Judge

