

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.210 of 2021

M/s.National Insurance Company Ltd. Appellant

Mr.Bijoy Dasmohapatra Advocate

-versus-

Sabita Palei and another Respondents

Mr.Kalpataru Panigrahi, Advocate
for Respondent No.1

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

**ORDER
8.3.2022**

Order No.

3.

1. Heard Mr Dasmohapatra, learned counsel for the Appellant and Mr.Panigrahi, learned counsel for the claimant-Respondent No.1.

2. Present appeal by the Insurer is directed against the judgment dated 6th October, 2020 passed by learned 1st MACT, Cuttack in M.A.C. Case No.192 of 2018, wherein compensation to the tune of Rs.4,90,347/- has been granted on account of the injury sustained by the claimant in the motor vehicular accident dated 14th January, 2018.

3. The quantum of compensation is mainly challenged in the present appeal and it is submitted on behalf of the Appellant that, the learned Tribunal has committed error in granting attendance charges on higher side to Rs.70,000/-. It is further submitted that Rs.50,000/- towards loss of income has been granted by the learned Tribunal in absence of any proof of income on the part of the claimant.

4. In course of hearing, a reduced compensation of Rs.4,30,000/- is proposed to the parties. This is agreed by Mr.Panigrahi, learned counsel for the claimant-Respondent No.1. Mr.Dasmohapatra, 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.4,30,000/-(Four lakhs thirty thousand) before the learned Tribunal along with interest @6% per annum from the date of filing of the claim application i.e. 2nd April, 2018 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 by the Tribunal. The penal interest @12% is waived.

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