

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.472 of 2019

M/s.Shriram G.I.Co.Ltd. ***Appellant***
Mr.J.R.Deo on behalf of Mr.Gautam Misra, Sr.Advocate

-versus-

Tanima Kanhar and others ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
11.4.2022

Order No.

4.

1. Heard Mr.Deo on behalf of Mr.G.Misra, learned Senior Advocate for the Appellant and Mr.Mishra, learned counsel for the claimants-Respondent Nos.1 to 4.

2. Present appeal by the Insurer is directed against the judgment dated 29th March, 2019 passed by learned 1st M.A.C.T.-cum-District Judge, Kandhamal, Phulbani in MAC Case No.26 of 2018, wherein compensation to the tune of Rs.6,09,000/- 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 dated 8th March, 2018.

3. The main grievance of the Insurer-Appellant is to the effect that despite no driving license was there in favour of the driver of the offending vehicle, the learned Tribunal did not grant any right of recovery against him as per the settled law.

4. Having heard both parties and considering the grounds advanced, the same amount of compensation as granted by the Tribunal is confirmed with a reduced interest @6% per annum along with right of recovery granted in favour of the Insurer against Respondent No.5-owner.

5. In the result, the appeal is disposed of with a direction to the Insurer to deposit the entire award amount of Rs.6,09,000/- along with interest @6% per annum before the Tribunal from the date of filing of the date of filing of the claim application i.e., 6th April, 2018 within a period of two months from today, whereafter the same shall be disbursed in favour of the claimants- Respondents 1 to 4 on same terms and proportion as directed by the Tribunal. The Insurer is granted liberty to recover the amount of compensation from the owner in accordance with law after giving an opportunity of hearing to the owner.

6. With aforesaid modification in the award, 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

