

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.287 of 2022

***Manager (Legal), M/s. National
Insurance Company Ltd.***

.... ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Jhilli Swain and Others

.... ***Respondents***

Mr. Debasish Patnaik, counsel for Respondents 1, 2, 3 & 4

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
30.9.2022

Order No.

- 05.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. G.P. Dutta, learned counsel for the insurer – Appellant and Mr. D. Patnaik, learned counsel for claimant - Respondents.
 3. Present appeal by the insurer is against the impugned judgment dated 21st September, 2021 of the learned 1st MACT, Jagatsinghpur passed in MAC Case No.111 of 2018 wherein compensation to the tune of Rs.15,66,480/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 26th June, 2018 has been granted on account of death of deceased Bikram Swain in the motor vehicular accident dated 19th May, 2018.
 4. It is contended on behalf of the Appellant that though the offending vehicle, i.e. scooter bearing registration number OD 05Y 9563 was not involved in the accident, but has been subsequently implanted to manage compensation. Such contention of the insurer is

rejected outright in absence of any evidence led from their side and clear implication of the vehicle in the police case as well as admission of the owner.

5. With regard to quantum of compensation, upon hearing both parties and considering the grounds of challenge, a reduced compensation of Rs.12,75,000/- along with 6% interest is proposed to the parties. This is agreed by Mr. Patnaik, learned counsel for the claimant - Respondents and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the Court. As such the compensation amount is fixed to the above extent.

6. In the result, the appeal is disposed of with a direction to the insurer – Appellant to deposit the reduced compensation of Rs.12,75,000/- (twelve lakhs seventy-five thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 26th June, 2018 within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the tribunal.

7. The statutory deposit made by the insurer - 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.

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

(B.P. Routray)
Judge