

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.407 of 2016 And MACA No.558 of 2016

MACA No.407 of 2016

M/s. Reliance General Insurance Company Ltd.. ***Appellant***

Mr.S.Satpathy, Advocate

-versus-

P.Lakshmi Dora and others ***Respondents***
Mr.A.U.Senapati, Advocate for Respondent Nos.1 to 5

AND

MACA No.558 of 2016

P.Lakshmi Dora and others ***Appellants***
Mr.A.U.Senapati, Advocate

-versus-

M/s. Reliance General Insurance Company Ltd. and another ***Respondents***
Mr.S.Satpathy, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
27.09.2022

Order No.

10.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Satpathy, learned counsel for the Insurer and Mr.Senapati, learned counsel for the claimants.
3. Both the appeals arise out of the same judgment dated 2nd day of December, 2015 passed by the learned 3rd M.A.C.T.,

Jagatsinghpur in M.A.C. Case No.13 of 2012, wherein compensation to tune of Rs.8,37,000/- along with interest @7% per annum has been granted from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 11th July, 2011.

4. MACA No.407 of 2016 has been preferred by the Insurer challenging the compensation amount and MACA No.558 of 2016 has been filed by the claimants praying for enhancement of the compensation amount.

5. Upon hearing both parties and considering the grounds of challenge advanced by both parties, a reduced compensation of Rs.8,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Senapati, learned counsel for the claimants. Mr.Satpathy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer is directed to deposit the reduced compensation of Rs.8,00,000/- (Eight lakhs) along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, both the appeals are disposed of.

8. The statutory deposit made by the Insurer in MACA No.407 of 2016 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.

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

(B.P. Routray)
Judge

C.R.Biswal

