

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.298 of 2022

M/s.Oriental Insurance Company Ltd. ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Sarabjeet Kaur and others ***Respondents***

Mr. P.K.Mishra, Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

26.10.2022

Order No.

04.

1. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 28.02.2022 of learned M.A.C.T.-I, Balasore in M.A.C. Case No.517 of 2018 wherein compensation to the tune of Rs.16,45,080/- has been granted along with interest @7.5% per annum to the claimants from the date of filing of the claim application, i.e.24.12.2018 on account of death of the deceased in the motor vehicular accident dated 30.11.2018.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.15,50,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants agrees to the same and Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the

Court. The compensation amount is accordingly fixed to that extent.

4. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.15,50,000/- (rupees fifteen lakhs fifty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application 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 fixed by the Tribunal.

However, this Court has not disturbed the finding of the learned Tribunal regarding right of recovery granted in favour of the Insurance Company.

5. 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.

6. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge