

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.484 of 2019

MACA Nos.484 & 1001 of 2019

Daniel Edward Harris and Another (In MACA No.484/2019)

***The Divisional Manager,
M/s. Oriental Insurance Co. Ltd. (In MACA No.1001/2019)***

.... Appellants

Mr. D.C. Dey, Advocate (in MACA No.484/2019)

Mr. A.A. Khan, Advocate (in MACA No.1001/2019)

-versus-

Mahendra Kumar Das and Another (In MACA No.484/2019)

Daniel Edward Harris and Others (In MACA No.1001/2019)

.... Respondents

Mr. A.A. Khan, counsel for Respondent No.2
(in MACA No.484/2019)

Mr. D.C. Dey, counsel for Respondent Nos.1&2
(in MACA No.1001/2019)

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

20.9.2022

Order No.

- 04.
1. The matters are taken up through hybrid mode.
 2. Heard Mr. D.C. Dey, learned counsel for the claimants and Mr. A.A. Khan, learned counsel for the insurer.
 3. Both the appeals being arise out of same common judgment, are heard together and disposed of by this common order.
 4. Both the appeals are against the common impugned judgment dated 29th June, 2019 of learned 4th MACT, Cuttack passed in MAC

Case Nos.891 of 2013/43 of 2018 & 177 of 2014/44 of 2018. Present appeals are arising out MAC No.177 of 2014/44 of 2018 wherein compensation to the tune of Rs.30,94,000/- along with interest @ 6% per annum from the date of filing of the claim application has been granted on account of death of deceased Richard Harris in the motor vehicular accident dated 18th September, 2013.

5. Upon hearing both parties and considering all the grounds of challenge which are mainly on the quantum of compensation, a reduced compensation of Rs.24,00,000/- along with 6% interest is proposed to the parties. This is agreed by Mr. Dey, learned counsel for the claimants and Mr. Khan, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation amount is fixed to the said extent.

6. In the result both the appeals are disposed of with a direction to the insurance company, i.e. Oriental Insurance Co. Ltd. to deposit a reduced compensation amount of Rs.24,00,000/- (twenty-four lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, within a period of three 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 learned tribunal.

7. It goes without saying that the penal interest of 12% is waived.

8. The statutory deposit made by the insurer in MACA No.1001 of 2019 before this court along with accrued interest be refunded on proper application and on production of proof of deposit of the awarded amount before the tribunal.

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

(B.P. Routray)
Judge

M.K.Panda

