

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.218 of 2021

The Divisional Manager, D.O.-II, *Appellant*
M/s.National Insurance Co. Ltd.

Mr. N.B. Das, Advocate

-versus-

Sailendra Bhitiria and others *Respondents*

Mr. B.N. Rath, Advocate for Respondent Nos.1 to 3

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

22.03.2022

Order No.

06.

1. Heard Mr. N.B. Das, learned counsel for the Appellant-Insurance Company as well as Mr. B.N. Rath, learned counsel for the Respondent Nos.1 to 3-claimants.

2. Present appeal by the insurer is directed against the judgment dated 25.09.2020 of learned 1st MACT, Cuttack in MAC Case No.783 of 2017 wherein learned Tribunal has granted compensation to the tune of Rs.9,81,600/- along with 6% interest per annum to the claimants from the date of filing of the claim application, i.e.7.10.2017 on account of death of the deceased in the motor vehicular accident dated 24.5.2017.

3. Having heard both the parties and considering the grounds of challenge advanced, a reduced compensation to the tune of Rs.9,20,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. B.N. Rath, learned counsel for the claimants-Respondent Nos.1 to 3 agrees to the same and Mr. N.B.

Das, 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. The Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.9,20,000/- (rupees nine lakhs twenty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.7.10.2017 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 decided by the Tribunal. It goes without saying that the penal interest of 12% is waived.

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