

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.566 of 2020

MACA Nos.566 & 731 of 2020

Jyotirmaya Prasad Jena (In MACA No.566/2020)

***The Divisional Manager,
M/s.Oriental Insurance Co. Ltd*** (In MACA No.731/2020)
.... ***Appellants***

Mr. B.K. Sahoo, Advocate (in MACA No.566/2020)
Mr. Somnath Roy, Advocate (in MACA No.731/2020)

-versus-

Dibakar Pradhan and Another (In MACA No.566/2020)

Jyotirmaya Prasad Jena and Anr. (In MACA No.731/2020)

.... ***Respondents***

Mr. Somnath Roy, counsel for Respondent No.2 &
Mr. S. Pattnaik, counsel for Respondent No.1
(in MACA No.566/2020)

Mr. B.K. Sahoo, counsel for Respondent No.1
(in MACA No.731/2020)

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
21.3.2022

Order No.

- 12.
1. Heard Mr. B.K. Sahoo, learned counsel for the claimant, Mr. S. Roy, learned counsel for the insurer and Mr. S. Pattnaik, learned counsel for the owner.
 2. Both the appeals have been filed challenging the common judgment dated 19th December, 2019 of learned 4th MACT, Cuttack

passed in MAC Case No.901 of 2012/207 of 2016 and MAC Case No.902 of 2012/279 of 2015. Present two appeals are concerning the award passed in MAC Case No.902 of 2012/279 of 2015 wherein compensation to the tune of Rs.13,51,000/- along with interest @ 6% per annum from the date of filing of the claim application has been granted on account of injury sustained by the claimant in the motor vehicular accident dated 18th July, 2012.

3. MACA No.566 of 2020 has been preferred by the claimant, whereas MACA No.731 of 2020 has been preferred by the insurer. The claimant has prayed for enhancement of the compensation and the insurer has prayed for reduction of the same. The further challenge of the insurer is that the offending vehicle did not have a valid permit on the date of accident.

4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.12,50,000/- along with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Sahoo, learned counsel for the claimant as well as Mr. Pattnaik, learned counsel for the owner. Mr. Roy, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the above extent.

5. In the result, both the appeals are disposed of with a direction to the insurer – Oriental Insurance Co. Ltd. to deposit the reduced compensation amount of Rs.12,50,000/- (twelve lakh 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; where-after the same shall be disbursed in favour of the

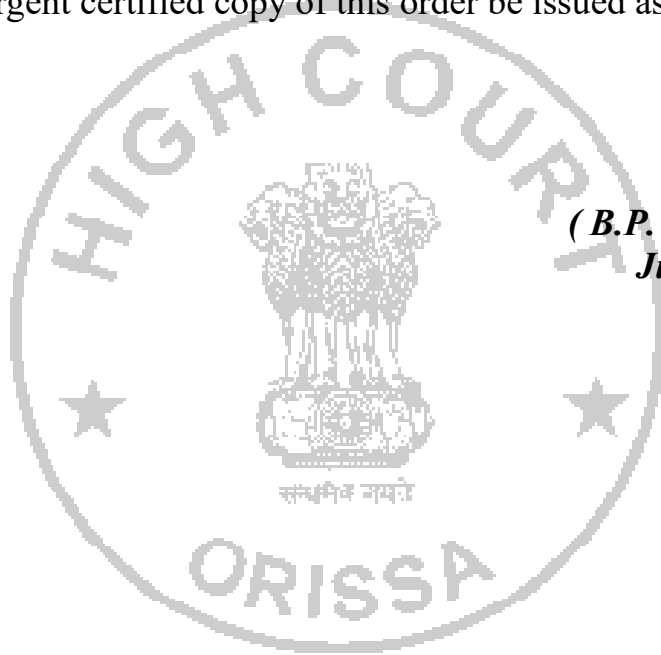
claimant on such terms and proportion to be fixed by the learned Tribunal.

6. The statutory deposit made by the insurer – Appellant in MACA No.731 of 2020 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.

7. The appeals are disposed of.

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

M.K.Panda



(B.P. Routray)
Judge