

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.341 of 2022

Divisional Manager,
New India Assurance Company Ltd. ***Appellant***
Mr.Santanu Kumar Sarangi, Advocate

-versus-

Lopamudra Nayak and others ***Respondents***
Mr. D.Pattnaik, Advocate for Respondent Nos.1 to 4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
1.12.2022

Order No.

4.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Sarangi, learned counsel for the Appellant-Insurer and Mr.Pattnaik, learned counsel for claimants-Respondent Nos.1 to 4.
3. Present appeal by the Appellant is against the judgment dated 27th December, 2021 of the Additional District Judge-cum-3rd M.A.C.T., Jagatsinghpur, Balasore in M.A.C.Case No.24 of 2015, wherein compensation to the tune of Rs.100,10,000/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 26th December, 2014.

4. According to Mr.Sarangi, learned counsel for the Appellant, the main challenge is upon quantification of the amount of compensation. It is submitted by Mr.Sarangi that the multiplier applied should be 15 instead of 16. Secondly, the income of the deceased should be reduced to Rs.45,611/- per month and after deductions of statutory tax amount, the annual income should be fixed at Rs.5,24,793/-.

5. Upon hearing both parties and considering all such grounds of challenge advanced by Mr.Sarangi with regard to quantum of compensation, a reduced compensation of Rs.85,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Pattnaik, learned counsel for the claimants-Respondent Nos.1 to 4. Mr.Sarangi, 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-Appellant is directed to deposit the reduced compensation of Rs.85,00,000/- (eight five lakhs) 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 claimants on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, the appeal is disposed of.

8. The statutory deposit made by the Appellant 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

