

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.580 of 2020

Divisional Manager, National Insurance Co. Ltd. ***Appellant***

Mr. P.K. Mahali, Adv.

-versus-

Balakrushna Swain and Ors. ***Respondents***

Mr. Sarat Chandra Swain, Adv.
(For Respondent Nos.1 & 2)

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
12.03.2022

Order No.

09. 1. This matter is taken up through hybrid mode in the 1st National Lok Adalat, 2022.
2. Learned counsel for the Appellant/Insurance Company and learned counsel for the Respondent Nos.1 and 2/ Claimants are present.
3. The Appellant/ Insurance Company has filed this MACA challenging the judgment and award dated 21.01.2020 passed by the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.614 of 2014 directing the Appellant/ Insurance Company to pay a sum of Rs.9,77,200/- (Rupees nine lakh seventy-seven thousand two hundred only) to the Respondent Nos.1 and 2 /Claimants along with Saraswati Biswal, the wife of the deceased, with interest @ 6 per cent per annum from the date of filing of the claim petition i.e. from 03.09.2014 till realization of the same failing which the

Respondent Nos.1 and 2 along with said Saraswati Biswal would be at liberty to realize the awarded amount with the interest @ 12 per cent per annum from the date of passing of the order till the payment is made.

4. At present, on the basis of the compromise made between the parties, the claim is settled by modifying/ reducing the amount awarded from Rs.9,77,200/- (Rupees nine lakh seventy-seven thousand two hundred only) to Rs.8,50,000/- (Rupees eight lakh and fifty thousand only) with interest @ 6 per cent per annum from the date of application. The Insurance Company undertakes to re-calculate and deposit the modified award amount before the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.614 of 2014 within a period of eight weeks hence along with the interest @ 6 per cent per annum.

5. On deposit of the modified award amount along with the interest as stated above before the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.614 of 2014, the same shall be disbursed to the Respondent Nos.1 and 2 /Claimants along with Saraswati Biswal, the wife of the deceased, in terms of its order proportionately. Further, the penal interest as fixed by the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.614 of 2014 is waived. Moreover, on filing of a receipt evidencing the deposit before this Court with a refund application, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant/Insurance Company.

6. The MACA is, accordingly, disposed of.
7. Urgent certified copy of this order be granted on proper application.

(S.K. Panigrahi, J.)
1st National Lok Adalat, 2022

BJ

