

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.883 of 2018

***Divisional Manager, National
Insurance Company Ltd.***

.... ***Appellant***

Mr. B.N. Udgata, Advocate

-versus-

Durjyodhan Meher and Others

.... ***Respondents***

Mr. Arjun Ch. Behera, counsel for Respondents 1&2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.10.2022

Order No.

- 06.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. B.N. Udgata, learned counsel for the insurer-Appellant and Mr. A.C. Behera, learned counsel for the claimant – Respondents 1 & 2. None appears on call for the owner – Respondent No.3.
 3. Present appeal by the insurer is against the impugned judgment dated 10th April, 2018 of the learned District Judge-cum-MACT, Bargarh passed in MAC Case No.102 of 2015 wherein compensation to the tune of Rs.3,15,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 15th July, 2015 has been granted on account of death of the deceased Apun Meher in the motor vehicular accident dated 17th January, 2018.
 4. Upon hearing both parties and considering the grounds of challenge as advanced, a reduced compensation of Rs.3,00,000/-

along with 6% is proposed to the parties. This is agreed by Mr. Behera, learned counsel for the claimants and Mr. Udgata, learned counsel for the insurer leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit a reduced compensation amount of Rs.3,00,000/- (three lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 15th July, 2015, within a period of two 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 tribunal. However, as prayed on behalf of the Appellant, it is open for it to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

6. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

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

(B.P. Routray)
Judge