

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.348 of 2022

***The Divisional Manager, National
Insurance Company Ltd., Mangalabag,
Cuttack***

....

Appellant

Mr. Ramani Ranjan Mohanty, Advocate

-versus-

Pratap Rout and Another

....

Respondents

Mr. Debasish Patnaik, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

12.12.2022

Order No.

- 04.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. R.R. Mohanty, learned counsel for the insurer – Appellant and Mr. D. Patnaik, learned counsel for claimant – Respondent No.1.
 3. Present appeal by the insurer is against impugned judgment dated 10th November, 2021 of the learned 4th MACT, Cuttack passed in MAC No.244 of 2017, wherein compensation to the tune of Rs.9,24,975/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 15th April, 2017 has been granted on account of death of deceased Prafulla Rout in the motor vehicular accident dated 26th September, 2016.
 4. Upon hearing both parties and considering all such grounds of challenge, a modified compensation of Rs.7,90,000/- along with 6% interest is proposed to the parties. This is agreed by Mr. Patnaik,

learned counsel for the claimant – Respondent No.1 and Mr. Mohanty, 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 Appellant – insurer to deposit the modified compensation amount of Rs.7,90,000/- (seven lakhs Ninety thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 15th April, 2017, within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent No.1 on such terms and proportion to be decided by the learned tribunal.

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