

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.569 of 2019

Manager Legal, ICICI Bank, Appellant
Bhubaneswar Branch, Bhubaneswar

Mr. B.B. Mishra, Advocate

-versus-

Rabi Narayan Dash and others Respondents

Dr. T.C. Mohanty, Senior Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
25.11.2022

Order No.

I.A. No.1052 of 2019

05. 1. Since the statutory amount has been deposited, the I.A. is disposed of.

MACA No.569 of 2019

2. Heard Mr. B.B. Mishra, learned counsel for the Appellant as well as Dr. T.C. Mohanty, learned Senior Advocate for the Respondent Nos.1 & 2.

3. Present appeal by the insurer is directed against the judgment dated 28.06.2019 of learned 6th M.A.C.T., Khurda in M.A.C.T. Case No.98/2010, wherein compensation to the tune of Rs.1,50,000/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application, i.e.08.10.2010 on account of death of the deceased in the motor vehicular accident dated 27.05.2007.

4. The Appellant-ICICI Bank is the financier of the offending vehicle, i.e. Maruti Car bearing Registration No.OR-02-T-9747.

5. Mr. B.B. Mishra, learned counsel submits on behalf of the Appellant that the Appellant is not the registered owner of the offending vehicle, but the financier only and therefore cannot be fastened with the liability to pay the compensation. According to him, one Naresh Pattanaik was the owner of the offending vehicle on the date of accident and in his absence, the claim application is not maintainable.

6. In view of the decision rendered by this Court in the separate appeal, i.e. MACA No.557 of 2019 arising out of the same accident, no merit is found in the present appeal and the entire contention of Mr. Mishra, learned counsel for the Appellant is rejected in terms of the reasons discussed in the separate judgment passed in MACA No.557 of 2019.

7. There being no other dispute raised, either regarding negligence on the part of the driver or with regard to quantification of the compensation amount, no merit is seen in the appeal.

8. In the result, the appeal is dismissed and the Appellant is directed to deposit the entire compensation amount along with interest before the learned Tribunal as per its direction within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on same terms and proportion as contained in the impugned judgment.

9. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant.

(B.P. Routray)
Judge

B.K. Barik

