

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.352 of 2022 And MACA No.164 of 2022

MACA No.352 of 2022

D.M., Oriental Insurance Co. Ltd.

....

Appellant

Mr.A.A.Khan, Advocate

-versus-

Mamata Moharana and others

....

Respondents

Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 4

AND

MACA No.164 of 2022

Mamata Moharana and others

....

Appellants

Mr.P.K.Mishra, Advocate

-versus-

Bhaktabandhu Puan and another

....

Respondents

Mr.A.A.Khan, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

29.09.2022

Order No.

10.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Khan, learned counsel for the Insurer and Mr.Mishra, learned counsel for the claimants.
3. Both the appeals arise out of the same judgment dated 10th February, 2022 passed by the learned 1st M.A.C.T., Jagatsinghpur in M.A.C. Case No.65 of 2020, wherein

compensation to tune of Rs.21,24,948/- along with interest @7% per annum has been granted from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 11th January, 2020.

4. MACA No.352 of 2022 has been preferred by the Insurer challenging the compensation amount and MACA No.164 of 2022 has been filed by the claimants praying for enhancement of the compensation amount.

5. Upon hearing both parties and considering the grounds of challenge advanced by both parties, a reduced compensation of Rs.20,25,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel for the claimants. Mr.Khan, 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 is directed to deposit the reduced compensation of Rs.20,25,000/- (Twenty lakhs twenty five thousand) 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, both the appeals are disposed of.

8. The statutory deposit made by the Insurer in MACA No.352 of 2022 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

