

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.253 of 2021

M/s. Oriental Insurance Company Ltd. Appellant

Mr. Adam Ali Khan, Advocate

-versus-

Laxmi Sahoo and Others Respondents

Mr. Kalpataru Panigrahi, counsel for Respondents 1-4

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER
14.02.2022

Order No.

05. 1. Heard Mr. A.A. Khan, learned counsel for the insurer – Appellant and Mr. K. Panigrahi, learned counsel for claimant – Respondents 1-4.
2. The present appeal by the insurer is against the impugned judgment dated 9th March, 2021 of the learned 1st MACT, Cuttack in MAC No.694 of 2016 wherein compensation to the tune of Rs.27,76,882/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 21st October, 2016 has been granted in favour of the claimants on account of death of the deceased in the motor vehicular accident dated 5th August, 2016.
3. In course of hearing a reduced compensation amount of Rs.25,50,000/- along with interest @ 6% was proposed to the parties to which learned counsel for the Claimant – Respondents agreed and Mr. Khan left it to the discretion of the Court.

4. Accordingly, the insurer – Appellant is directed to deposit the reduced/modified compensation amount of Rs.25,50,000/- (twenty-five lakh fifty thousand) before the learned tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 21st October, 2016 within a period of two months from today, whereafter the same shall be disbursed in favour of the claimants on the same terms and proportion as directed in the impugned judgment.

5. It goes without saying that the penal interest is waived and the right of recovery as granted by the Tribunal in favour of the insurer is left undisturbed.

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

7. Mr. Panigrahi, learned counsel for the claimants at the end submits that the name of claimant – Respondent No.3 has inadvertently been mentioned as wife of late Bhikari Charan Sahoo instead of his son. The same be taken note of by the learned Tribunal.

8. The appeal is disposed of.

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

(B.P. Routray)
Judge