

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.639 of 2017 & MACA No.653 of 2017

In MACA No.639 of 2017

The Divisional Manager, M/s.Oriental Insurance Company Ltd. ***Appellant***

Mr. S. Satapathy, Advocate

-versus-

Snehalata Patnaik and others ***Respondents***

Mr. B.N. Rath, Advocate for Respondent Nos.1 to 4

In MACA No.653 of 2017

Snehalata Patnaik and others ***Appellants***

Mr. B.N. Rath, Advocate

-versus-

Ranjana Kumar Nayak and another ***Respondents***

Mr. S. Satapathy, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

27.07.2022

Order No.

MACA Nos.639 & 653 of 2017

10. 1. Heard Mr. S. Satapathy, learned counsel for the Insurance Company and Mr. B.N. Rath, learned counsel for the claimants.
2. Both the appeals being arise out of the same judgment dated 27.03.2017 of the learned 2nd MACT (Southern Division), Berhampur, Ganjam in M.A.C. Case No.12/2012 (224/2010-GDC) wherein compensation to the tune of Rs.43,32,000/- has been granted along with simple interest @7% per annum to the

claimants from the date of filing of the claim application, i.e.17.9.2010 on account of death of the deceased in a motor vehicular accident dated 25.06.2010, are heard together and disposed of by this common order.

3. MACA No.639 of 2017 has been filed by the Insurance Company challenging the award and MACA No.653 of 2017 has been preferred by the claimants praying for enhancement of the compensation amount.

4. Upon hearing both the parties and considering the grounds of challenge advanced by respective parties, a reduced compensation of Rs.37,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. B.N. Rath, learned counsel for the claimants agrees to the same and Mr. S. Satapathy, learned counsel for the Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

5. In the result, both the appeals are disposed of with a direction to the Insurance Company to deposit the reduced compensation of Rs.37,00,000/- (rupees thirty-seven lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.17.09.2010 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 learned Tribunal including the condition that 60% of the total amount shall be kept in fixed deposit in respect of each of the claimants.

6. 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 in MACA No.639/2017 before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company

7. An urgent certified copy of this order be granted on proper application.

(**B.P. Routray**)
Judge

