

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.640 of 2017

D.M., National Insurance Co.Ltd. ***Appellant***
Mr.P.Sinha, Advocate

-versus-

Sanjiv Kumar Raiguru and another ***Respondents***
Mr.P.K.Nayak, Advocate for Respondent no. 1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
07.09.2022

Order No.

7.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.P.Sinha on behalf of Mr.M.Sinha, learned counsel for the Appellant and Mr.Nayak, learned counsel for the claimant-Respondent No.1.
3. Present appeal by the Insurer is directed against the judgment dated 20th January, 2017 passed by learned IInd Additional District Judge-Cum-Vth M.A.C.T., Rourkela in M.A.C. Case No.66 of 2012, wherein compensation to the tune of Rs.42,52,000/- has been granted along with interest @ 7.5% per annum with effect from the date of filing of the claim application on account of injury sustained by the claimant in the motor vehicular accident dated 13th April, 2011.
4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.28,00,000/-

along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Nayak, learned counsel for the claimant-Respondent No.1. Mr.Sinha, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.28,00,000/- (Twenty eight lakhs) before the Tribunal 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 claimant on such terms and proportion to be fixed by the Tribunal. It goes without saying that the right of recovery granted in favour of the Insurer-Appellant by the Tribunal is left undisturbed.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. The statutory deposit made by the Appellant 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.

8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge