

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.267 of 2021

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

Mr. S. Roy, Advocate

-versus-

Pabitra Behera and others ***Respondents***

Mr. K.C. Nayak, Advocate for Respondent Nos.1 to 4

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

21.04.2022

Order No.

05.

1. It is submitted that Respondent No.5-Nira Bewa, who was claimant no.5, died in the meantime on 17.1.2020 and her representatives being already on record, no further substitution is required to be taken.

2. Heard Mr. S. Roy, learned counsel for the Appellant-Insurance Company as well as Mr. K.C. Nayak, learned counsel for the Respondent Nos.1 to 4-claimants.

3. Present appeal by the insurer is directed against the judgment dated 9.2.2021 of learned 3rd MACT, Kendrapara in MAC Case No.115/2012 wherein learned Tribunal has granted compensation to the tune of Rs.10,36,371/- along with 6% interest per annum to the claimants from the date of filing of the claim application, i.e.06.12.2012 on account of death of the deceased in the motor vehicular accident dated 26.02.2011.

4. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.8,50,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. K.C. Nayak, learned counsel for the claimants-Respondent Nos.1 to 4 agrees to the same and Mr. S. Roy, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

5. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.8,50,000/- (rupees eight lakhs fifty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.06.12.2012 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the Tribunal.

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 before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

7. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge