

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.609 of 2020

National Insurance Company Limited* *Appellant

Mr. S.R. Pattanaik, Advocate

-versus-

Manjubala Pandey and others* *Respondents

Mr. P.K. Mishra, Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

19.04.2022

Order No.

03.

1. Heard Mr. S.R. Pattanaik, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for Respondent Nos.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 17.12.2019 of learned 3rd MACT, Jagatsinghpur in MAC No.71/2015 wherein learned Tribunal has granted compensation to the tune of Rs.37,92,517/- along with 7% interest per annum to the claimants from the date of filing of the claim application, i.e.18.05.2015 on account of death of the deceased in the motor vehicular accident dated 01.01.2015.

3. The main contention raised on behalf of the Appellant is that the tax component has not been deducted from the income of the deceased.

4. After hearing Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 & 2-claimants, who fairly agrees to the aforesaid submission of Mr. Pattanaik, and after perusal of the

impugned judgment which in fact does not reveal any statutory deduction towards tax, a reduced compensation of Rs.36,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1 & 2 agrees to the same and Mr. S.R. Pattanaik, 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.36,00,000/- (rupees thirty-six lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.18.05.2015 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