

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.361 of 2022

***The Divisional Manager, Oriental
Insurance Company Ltd.***

....

Appellant

Mr. S.K. Swain, Advocate

-versus-

Bansidhar Mahapatra and Others

....

Respondents

Mr. P.C. Pattanaik, counsel for Respondents 1 & 2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
15.12.2022

Order No.

I.A. No.739 of 2022

- 03.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. S.K. Swain, learned counsel for the insurer – Appellant and Mr. P.C. Pattanaik, learned counsel for claimant – Respondents 1&2.
 3. Upon hearing both parties and considering the grounds mentioned in the limitation application, the delay in filing the appeal is condoned.
 4. The I.A. is disposed of.

MACA No.361 of 2022

- 04.
5. Present appeal by the insurer is against impugned judgment dated 5th April, 2022 of the learned 4th MACT, Puri passed in MAC No.202 of 2008, wherein compensation to the tune of Rs.19,36,000/- along with interest @ 5% per annum from the date of filing of the

claim application, i.e. 31st July, 2008 has been granted on account of death of deceased Banani Mohapatra in the motor vehicular accident dated 30th August, 2007.

6. Upon hearing both parties and considering all such grounds of challenge, a reduced compensation of Rs.16,00,000/- along with 6% interest is proposed to the parties. This is agreed by Mr. Pattanaik, learned counsel for the claimant – Respondents and Mr. Swain, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation amount is fixed to the said extent.

7. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit a reduced compensation of Rs.16,00,000/- (sixteen lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 31st July, 2008, within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the learned tribunal.

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

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

(B.P. Routray)
Judge