

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.595 of 2019

Divisional Manager, Oriental Insurance Company Limited ***Appellant***

Mr. A.A. Khan, Advocate

-versus-

Banita Mishra and others ***Respondents***

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

18.04.2022

Order No.

08.

1. Heard Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Nayak, learned counsel for the Respondent Nos.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 13.08.2018 of learned 1st MACT, Dhenkanal in MAC Case No.117/2015 wherein learned Tribunal has granted compensation to the tune of Rs.35,55,560/- along with 7% interest per annum to the claimants from the date of filing of the claim application, i.e.15.05.2015 on account of death of the deceased in the motor vehicular accident dated 30.4.2015.

3. Having heard both the parties and considering the grounds advanced, a reduced compensation to the tune of Rs.34,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Nayak, learned counsel for the claimants-Respondent Nos.1 & 2 agrees to the same and Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company leaves it to

the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. The Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.34,00,000/- (rupees thirty-four lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.15.05.2015 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 decided by the Tribunal.

5. 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.

6. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge