

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.596 of 2019**

***Divisional Manager, M/s. National  
Insurance Company Ltd.***

....

***Appellant***

Mr. P.K. Mohanty along with Ms. S. Das, Advocate

*-versus-*

***Gandharba Behera and Others***

....

***Respondents***

Mr. P.K. Mishra, counsel for Respondents 1&2

**CORAM:**

**SHRI JUSTICE B. P. ROUTRAY**

**ORDER**

**9.5.2022**

**Order No.**

- 08.
1. Heard Mr. P.K. Mohanty along with Ms. S.Das, learned counsel for the insurer – Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondent No.1.
  2. Present appeal by the insurer has been filed challenging the judgment dated 26<sup>th</sup> February, 2019 of learned 4<sup>th</sup> MACT, Angul passed in MAC No.134 of 2017 wherein compensation to the tune of Rs.8,00,000/- along with interest @ 6% per annum from the date of filing of the claim application has been granted on account of death of the deceased in the motor vehicular accident dated 25<sup>th</sup> January, 2016. Further the insurer has been granted liberty to recover the said amount from the owner Respondent No.3
  3. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.7,50,000/- along

with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Mishra, learned counsel for the claimant-Respondents and Mr. Mohanty, learned counsel for the insurer leaves it to the discretion of the Court. As such, the amount is fixed to the above extent.

4. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation of Rs.7,50,000/- (seven lakh fifty thousand) 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 – Respondents 1 and 2 on such terms and proportion to be decided by learned Tribunal.

5. The right of recovery as granted by the learned Tribunal is left undisturbed.

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

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

**( B.P. Routray )**  
**Judge**