

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1035 of 2017

***Divisional Manager,
Oriental Insurance Co. Ltd.***

.... Appellant

Mr.S.Satpathy, Advocate

-versus-

Manu Chandi and others

.... Respondents

Mr.D.Mund, Advocate for Respondent Nos.1 to 3

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
13.10.2022**

Order No.

7.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Satpathy, learned counsel for the Appellant-Insurer and Mr.Mund, learned counsel for claimants-Respondent Nos.1 to 3.
3. Present appeal by the Insurer-Appellant is against the judgment dated 3rd August, 2017 of the learned Addl. District Judge-cum-Judge III MACT, Dharamagarh in MAC Case No.16 of 2016, wherein compensation to the tune of Rs.17,86,000/- has been granted along with interest @9% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 1st January, 2016.
4. Upon hearing both parties and considering all such grounds of challenge advanced and further applying the future

prospects to the extent of 40% against 50% calculated by the Tribunal, a reduced compensation of Rs.13,19,600/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mund, learned counsel for the claimants-Respondent Nos.1 to 3. Mr.Satpathy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.13,19,600/- (Thirteen lakhs nineteen thousand six hundred) 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 claimants on such terms and proportion to be fixed by the Tribunal.

6. However, considering the submissions that the driver was not having a valid driving license to drive a two wheeler though he was authorized to drive a light motor vehicle as per Ext.A, the Insurer-Appellant is at liberty to recover the compensation amount from the owner in accordance with law after granting him opportunity of hearing.

7. With aforesaid modification in the compensation amount, the appeal is disposed of.

8. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

9. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

