

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.372 of 2022 & MACA No.147 of 2022

MACA No.372 of 2022

M/s.Oriental Insurance Co.Ltd. Appellant

Mr.S.Satpathy, Advocate

-versus-

Archana Mohanty and another Respondents

Mr.P.K.Mishra, Advocate for Respondent No.1

AND

MACA No.147 of 2022

Archana Mohanty Appellant

Mr.P.K.Mishra, Advocate

-versus-

Ananta Charan Biswal and another Respondents

Mr.S.Satpathy, Advocate for Respondent No.2

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

**ORDER
24.11.2022**

Order No.

03.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Satpathy, learned counsel for the Insurer and Mr.Mishra, learned counsel for the Claimant.
3. Both the appeals arise out of the same judgment dated 28th January, 2022 passed by the learned 2nd Additional District Judge-cum-3rd M.A.C.T., Cuttack, in M.A.C. Case No.705 of

2017, wherein compensation to tune of Rs.17,65,100/- along with interest @6% per annum has been granted from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 20th July, 2017.

4. MACA No.147 of 2022 has been preferred by the Claimant for enhancement of the compensation amount and MACA No.372 of 2022 has been filed by the Insurer challenging the compensation amount.

5. Upon hearing both parties and considering all such grounds raised in both the appeals, a reduced compensation of Rs.15,50,000/- 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. Mr.Satpathy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer is directed to deposit the reduced compensation of Rs.15,50,000/- (Fifteen lakhs fifty thousand) 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 on such terms and proportion to be fixed by the Tribunal. As prayed for by the Insurer, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner. However, the penal interest of 12% as directed by the Tribunal is waived.

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

8. The statutory deposit made by the Appellant in MACA No.372 of 2022 along 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