

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.609 of 2019

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

.... Appellant

Mr. Subrat Satpathy, Advocate

-versus-

Indira Nahak and Others

.... Respondents

Mr. Dayananda Mohapatra, counsel for Respondents 1-6

CORAM:

SHRI JUSTICE B. P. ROUTRAY

**ORDER
11.3.2022**

Order No.

- 05.
1. Heard Mr. S. Satpathy, learned counsel for the insurer – Appellant and Mr. D.Mohapatra, learned counsel for claimant – Respondents.
 2. Present appeal by the insurer is against the impugned judgment dated 6th July, 2019 of the learned 4th MACT, Ganjam, Berhampur passed in MAC Case No.309 of 2015 wherein compensation to the tune of Rs.29,56,000/- along with interest @ 7% 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 27th August, 2015.
 3. It is contended on behalf of the Appellant that the alleged vehicle was not involved in the accident and subsequently implanted to manage compensation. The same is supported from the fact that the vehicle was seized by police after more than a month.

4. Having heard both parties and upon perusal of the impugned judgment it reveals that P.W.2 is the eye witness to the accident who has categorically stated about involvement of the vehicle, i.e. the car bearing registration number OR 02 AU 4030 in the accident. Said evidence of P.W.2 has not been rebutted in his cross-examination nor the insurer has adduced any evidence on that score. Therefore, the contention of the Appellant is rejected being without substance.

5. Upon going through the impugned judgment it is seen that the same is in conformity with the principles propounded for just compensation and the learned Tribunal has computed the compensation under various heads including future prospects. The same does not warrant any interference. However, the rate of interest is reduced to 6% from 7%.

6. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit total compensation amount of Rs.29,56,000/- (Twenty-nine lakh fifty-six thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 3rd November, 2015 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent Nos.1 to 6 on such terms and proportion as per the direction of learned Tribunal contained in the impugned judgment.

7. It is submitted by Mr. Mohapatra that Claimant No. 6 requires cash for his urgent medical treatment. Accordingly it is directed that, if any prayer is made for release the amount in respect of Claimant No.6, the same shall be considered by the learned Tribunal.

8. 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.

9. The appeal is disposed of.

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

(*B.P. Routray*)
Judge

M.K.Panda

