

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.610 of 2019

***Divisional Manager, The New India
Assurance Company Ltd.***

....

Appellant

Mr. P.K. Panda, Advocate

-versus-

Dillip Kumar Das and Others

....

Respondents

Mr. Pradeep Kumar Mishra, counsel for Respondents 1-3

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

22.3.2022

Order No.

10. 1. Heard Mr. P.K. Panda, learned counsel for the insurer – Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondents.
2. Present appeal by the insurer has been filed challenging the judgment dated 5th April, 2019 of learned 1st MACT, Jagatsinghpur passed in MAC No.49 of 2016 wherein compensation to the tune of Rs.19,01,764/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 21st April, 2016 has been granted on account of death of the deceased in the motor vehicular accident dated 23rd November, 2015.
3. Having heard both parties and considering the grounds advanced, a reduced compensation of Rs.17,50,000/- 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 claimants and Mr. Panda, 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.17,50,000/- (seventeen lakh fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 21st April, 2016 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 learned Tribunal.

5. 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.

6. The appeal is disposed of.

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

(B.P. Routray)
Judge