

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.386 of 2022

The Divisional Manager, M/s.Oriental Insurance Co. Ltd. ***Appellant***

Mr. S.K. Mohanty, Advocate

-versus-

Mainu Oram and another ***Respondents***

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

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
26.10.2022

Order No.

03.

1. Heard Mr. S.K. Mohanty, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment dated 4.4.2022 of learned 2nd M.A.C.T., Northern Division, Sambalpur in M.A.C. Case No.162 of 2015 (Sambalpur) wherein compensation to the tune of Rs.7,53,400/- has been granted along with simple interest @6% per annum to the claimants from the date of filing of the claim application, i.e.22.12.2015 on account of death of the deceased in the motor vehicular accident dated 9.3.2014.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.6,50,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants agrees to the same and Mr. S.K. Mohanty, learned counsel for the

Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.6,50,000/- (rupees six lakhs 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 claimants on such terms and proportion to be fixed by the Tribunal. However, as prayed on behalf of the Appellant, 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.

5. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

6. The MACA is disposed of with aforesaid directions.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge