

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.411 of 2019

And

MACA No.619 of 2019

MACA No.411 of 2019

K.Kanak Amma and others

....

Appellants

Mr.P.K.Mishra, Advocate

-versus-

Ajaya Kiapur and another

....

Respondents

Mr.A.A.Khan, Advocate for Respondent No.2

AND

MACA No.619 of 2019

The Oriental Insurance Co. Ltd.

....

Appellant

Mr.A.A.Khan, Advocate

-versus-

K.Kanak Amma and others

....

Respondents

Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 5

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

**ORDER
05.5.2022**

Order No.

3.

1. Heard Mr.Mishra learned counsel for the claimants and Mr.Khan, learned counsel for the Insurer.

2. Both the appeals being directed against the same judgment are taken up together and disposed of by this common order.

3. MACA No.411 of 2019 has been filed by the claimants praying for enhancement of the compensation amount and MACA No.619 of 2019 has been filed by the Insurer challenging the impugned award.

4. The challenge in both the appeals is against the impugned judgment dated 24th April, 2019 passed by the learned 3rd MACT, Bhubaneswar in M.A.C.Case No.223 of 2011, wherein compensation to the tune of Rs.3,96,700/- along with interest @7% 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 16th July, 2011.

5. Upon hearing both parties and considering the challenges advanced by the respective parties, I do not see any merit in the challenge by either side. Accordingly, both the appeals are dismissed. However, the rate of interest is reduced to 6% from 7%, and 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. The penal interest is waived.

6. In the result, both the appeals are dismissed subject to modification in the rate of interest stated above and the Insurer-Appellant in MACA No.619 of 2019 and Respondent No.2 in MACA No.411 of 2019 is directed to deposit the entire award amount before the Tribunal along with interest @6% per annum from the date of filing of the claim application i.e., 15th September, 2011 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 as directed by the Tribunal.

7. The statutory deposit made by the Insurer in MACA No.619 of 2019 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.

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

(B.P. Routray)
Judge

C.R.Biswal

