

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.621 of 2019

Legal Manager, M/s.Shriram General Insurance Company Limited ***Appellant***

Mr. A.A. Khan, Advocate

-versus-

Dharanidhar Malik and another ***Respondents***

Mr. B. Singh, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

30.03.2022

Order No.

08.

1. Heard Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company as well as Mr. B. Singh, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment dated 16.05.2019 of learned MACT-III, Kendrapara in MAC Case No.25 of 2014 wherein learned Tribunal has granted compensation to the tune of Rs.1,29,200/- along with 7% interest per annum to the claimant from the date of filing of the claim application, i.e.19.2.2014 on account of injury sustained by the claimant in the motor vehicular accident dated 10.10.2013.

3. Mr. A.A. Khan, learned counsel for the Appellant contends that the vehicle was implanted in the accident though was not involved. The said contention of the Appellant is rejected outright in absence of any pleading made or evidence adduced to that effect.

4. Having heard both the parties and considering the grounds of challenge with regard to quantum of compensation, a reduced compensation to the tune of Rs.1,10,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. B. Singh, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. A.A. Khan, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

5. The Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.1,10,000/- (rupees one lakh ten thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.19.2.2014 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant.

6. 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.

7. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge