

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.389 of 2022

Oriental Insurance Co. Ltd.

.... ***Appellant***
Mr.S.Roy, Advocate

-versus-

Jaharlal Mahanta and another

.... ***Respondents***
Mr.D.Pattnaik, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
29.11.2022

Order No.

3.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Roy, learned counsel for the Appellant-Insurer and Mr.Pattnaik, learned counsel for claimant-Respondent No.1.
3. Present appeal by the Appellant is against the judgment dated 7th May, 2022 of the 2nd Addl. District Judge-cum-3rd MACT., Cuttack, in MAC Case No.455 of 2018, wherein compensation to the tune of Rs.11,91,114/- has been granted along with interest @6% per annum with effect from the date of filing of the claim application on account of injuries sustained by the injured-claimant in the motor vehicular accident on 30th April, 2018.
4. Upon hearing both parties and considering all such grounds raised in the appeal as well as in the cross-appeal, a reduced compensation of Rs.11,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is

agreed by Mr.Pattnaik, learned counsel for the claimant-Respondent No.1. Mr.Roy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.11,00,000/-(Eleven lakhs) 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 claimant on such terms and proportion to be fixed by the Tribunal. However, the penal interest of 12% as directed by the Tribunal is waived.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. The statutory deposit made by the Appellant 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