

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.379 of 2015

Manager Legal, **Appellant**
Reliance General Insurance Co. Ltd.

Mr.G.P.Dutta, Advocate

-versus-

Ambika Samal and others **Respondents**
Mr.B.Singh, Advocate for Respondent Nos.1 to 3

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
16.9.2022

Order No.

10.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Dutta, learned counsel for the Appellant and Mr.Singh, learned counsel for the claimants-Respondent Nos.1 to 3.
3. This appeal is connected to MACA No.378 of 2015 and listed analogously, wherein direction was issued to the Appellant to take substituted service of notice on Respondent No.4 through paper publication. Respondent No.4 in the present appeal is the same person as Respondent No.7 in MACA No.378 of 2015 and it needs to be mentioned here that both the appeals arise out of the same accident involving two sets of claimants for death of two deceased persons. It is seen that despite repeated opportunities granted to file Newspaper clip, the Appellant fails to submit the same. It is submitted by Mr.Dutta, learned counsel

for the Appellant that despite letters issued and reminders sent, no communication has been received from the Appellant-Company. As such, the appeal is dismissed against Respondent No.4-Owner.

4. Present appeal by the Insurer is directed against the judgment dated 16th September, 2014 of the learned Motor Accidents Claims Tribunal-I, Baleswar in M.A.C. Case No.165 of 2008, wherein compensation to the tune of Rs.4,66,000/- has been granted along with interest @ 6% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 26th June, 2008.

5. In view of the dismissal of the appeal as stated above against the owner, the scope of the Appellant to question its liability is no more survive.

6. Next on the question of quantum of compensation, considering all such grounds of challenge raised and submissions made by both parties, a reduced compensation of Rs.4,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Singh, learned counsel for the claimants-Respondent Nos.1 to 3. Mr.Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

7. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.4,00,000/- (four lakhs) 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 no.1 to 3 on such terms and proportion to be fixed by the Tribunal.

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

9. 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.

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

(B.P. Routray)
Judge

C.R.Biswal

