

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1056 of 2018

***Branch Manager, New India
Assurance Company Ltd.***

.... Appellant

Mr. P. Sinha, Advocate

-versus-

Jamuna Sahu and Others

.... Respondents

Mr. B.N. Rath, counsel for Respondents 1-4

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

14.11.2022

Order No.

10. 1. The matter is taken up through hybrid mode.
2. Heard Mr. P. Sinha, learned counsel for the insurer -Appellant and Mr. B.N. Rath, learned counsel for the claimant – Respondents 1 to 4.
3. Present appeal by the insurer is directed against impugned judgment dated 6th July, 2018 of the learned 1st MACT, Angul passed in MAC Case No.134 of 2016, wherein compensation to the tune of Rs.15,44,200/- along with interest @ 6% per annum from the date of filing of the claim application has been granted on account of death of deceased, Subash Sahu in the motor vehicular accident dated 31st July, 2015.
4. Upon hearing both parties and considering all such grounds of challenge, a reduced compensation of Rs.14,00,000/- with 6% interest is proposed to the parties. This is agreed by Mr. Rath, learned counsel

for the claimant – Respondents and Mr. Sinha, learned counsel for the insurer leaves it to the discretion of the court. As such the amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the Appellant – insurer to deposit a reduced compensation amount of Rs.14,00,000/- (fourteen 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 – Respondents on such terms and proportion to be decided by the learned tribunal.

6. However, penal interest of 7.5%, as directed by the Tribunal, is waived.

7. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge