

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1092 of 2018

***Divisional Manager, M/s. Oriental
Insurance Company Ltd.***

....

Appellant

Mr. Subrat Satpathy, Advocate

-versus-

Smt. Sudipta Panda and Another

....

Respondents

Mr. S.K. Panda, counsel for Respondents 1&2

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

4.8.2022

Order No.

10. 1. The matter is taken up through hybrid mode.
2. Heard Mr. S. Satpathy, learned counsel for the insurer – Appellant and Mr. S.K. Panda, learned counsel for claimant – Respondents 1&2.
3. Present appeal by the insurer is against the impugned judgment dated 25th April, 2018 of the learned 1st MACT, Balangir passed in MAC Case No.119 of 2014 wherein compensation to the tune of Rs.45,30,016/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 9th December, 2014 has been granted on account of death of the deceased Swarup Chandra Panda in the motor vehicular accident dated 20th September, 2013.
4. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.39,50,000/- along with interest @ 6% per annum is proposed to the parties in course of

hearing. This is agreed by Mr. Panda, learned counsel for the claimant – Respondents and Mr. Satpathy, 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.39,50,000/- (thirty-nine lakh fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 9th December, 2014 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent Nos.1 & 2 on such terms and proportion to be decided by the learned Tribunal.

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

7. The appeal is disposed of.

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

(B.P. Routray)
Judge