

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.1142 of 2018**

***The Oriental Insurance Company Ltd.  
represented through its Duly  
constituted Attorney***

.... ***Appellant***  
Mr. A.K. Nath, Advocate

***-versus-***

***Mahendra Barik and Another***

.... ***Respondents***

Mr. A.K. Behera, counsel for Respondent No.1

**CORAM:**

**SHRI JUSTICE B. P. ROUTRAY**

**ORDER**  
**13.9.2022**

**Order No.**

10. 1. The matter is taken up through hybrid mode.
2. Heard Mr. A.K. Nath, learned counsel for the insurer-Appellant and Mr. A.K. Behera, learned counsel for claimant – Respondent No.1.
3. Present appeal by the insurer is against the impugned judgment dated 17<sup>th</sup> May, 2018 of the learned 1<sup>st</sup> MACT, Jajpur passed in MAC Case No.119 of 2012 wherein compensation to the tune of Rs.2,20,989/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 17<sup>th</sup> December, 2012 has been granted on account of injuries sustained by the injured-claimant in the motor vehicular accident dated 2<sup>nd</sup> March, 2012.

4. Upon hearing both parties and perusal of the impugned judgment it reveals that the tribunal upon adjudication, has granted compensation on following heads:-

|              |                                                               |                        |
|--------------|---------------------------------------------------------------|------------------------|
| i)           | Loss of earning capacity along with future prospect of income | - Rs.67,200/-          |
| ii)          | Loss of income during period of treatment                     | - Rs.15,000/-          |
| iii)         | Expenditure towards treatment, medicine etc.                  | - Rs.98,789/-          |
| iv)          | Extra nourishment and special diet                            | - Rs.5000/-            |
| v)           | Pain and suffering                                            | - Rs.30,000/-          |
| vi)          | Loss of amenities                                             | - Rs.5000/-            |
| <b>Total</b> |                                                               | <b>- Rs.2,20,989/-</b> |

5. Upon analysis of the contentions raised by the Appellant and the discussions made in the impugned judgment, no impropriety is seen in such assessment of total compensation amount. As such this court is not inclined to interfere with the same except to the extent of interest part, which is reduced to 6% in place of 7.5%.

6. In the result, the appeal is disposed of with a direction to the insurers – Appellant to deposit the entire compensation amount as directed by the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 17<sup>th</sup> December, 2012 before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent No.1 on same terms and proportion contained in the impugned award.

7. The statutory deposit made by the insurer - 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.

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

**( B.P. Routray )**  
**Judge**

M.K.Panda

