

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.24308 of 2020
(Through Hybrid mode)

***The Divisional Manager, The
Oriental Insurance Co. Ltd.***

.... ***Petitioner***

Mr. N. B. Das, Advocate

-versus-

***Chairperson, Permanent Lok
Adalat (Public Utility Services) and
others***

.... ***Opposite Parties***

Mr. P. K. Mishra, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
05.07.2022

Order No.

03. 1. Mr. Das, learned advocate appears on behalf of petitioner (insurance company). He submits, impugned is award dated 17th February, 2020 passed by the Permanent Lok Adalat. He submits, claim was made on the insured having died in a vehicular accident on 9th September, 2018, belatedly on 11th December, 2018, through concerned bank (opposite party no.3), in which the deceased-insured had account.
2. Mr. Mishra, learned advocate appears on behalf of opposite party-beneficiary. He submits, death of the deceased in a vehicular accident and coverage of the policy are not disputed. Sending of intimation through bank on delay of 2 days occurred due to collection of required documents by the beneficiary.

3. It appears the PLA adjudicated upon failure to achieve settlement. In the circumstances Court does not find reason to interfere. Mr. Das submits, there ought not to have been direction for payment of interest. Court is not inclined to interfere with the direction except in reducing the rate of interest to 6% per annum on the period directed by the award.

4. Petitioner may pay the awarded amount along with 6% interest per annum on the period directed by the award, within three weeks of communication. In event petitioner complies, it will be deemed to be in execution, discharge and satisfaction of the award. Otherwise, petitioner does not pay, the writ petition will be deemed to have been dismissed and opposite party no.2 will thereupon be entitled to seek execution of impugned award, including its direction on interest, as a decree of Court, in accordance with law.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant