

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.887 of 2016

National Insurance Co. Ltd. ***Appellant***
Mr. P.K. Mahali, Adv.

-versus-

Chaitan Patra and Ors. ***Respondents***
Mr. Pradeep Kumar Mishra, Adv.
(For Respondent Nos.1 & 2)

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
12.03.2022

Order No.

- 05.
1. This matter is taken up through hybrid mode in the 1st National Lok Adalat, 2022.
 2. Learned counsel for the Appellant/Insurance Company and learned counsel for the Respondent Nos.1 and 2/ Claimants are present.
 3. At the outset, learned counsel for the Respondent Nos.1 and 2/claimants submits that during pendency of the present appeal, the Respondent No.2-Bela Patra died on 14.02.2017. A memo along with a Certificate of Death issued by the Registrar, Births and Deaths, Joda Municipality on 17.08.2017 have been filed to that effect.
 4. Accordingly, the name of Respondent No.2- Bela Patra be deleted from the cause title of the brief.
 5. The Appellant/ Insurance Company has filed this MACA challenging the judgment and award dated 30th November,

2015 passed by the learned Member, 4th M.A.C.T., Keonjhar in M.A.C. Case No.73/178 of 2014-08 directing the Appellant/ Insurance Company to pay a sum of Rs.5,33,500 (Rupees five lakh thirty-three thousand five hundred only) to the Respondent Nos.1 and 2/Claimants with interest @ 7 per cent per annum from the date of filing of the claim petition i.e. from 05.11.2008 till realization of the same within three months of the order, failing which, the award amount will carry interest at the rate of 8 per cent per annum from the date of filing of the case till realization.

6. At present, on the basis of the compromise made between the parties, the claim is settled by modifying/ reducing the amount awarded from Rs.5,33,500/- (Rupees five lakh thirty-three thousand five hundred only) to Rs.4,00,000/- (Rupees four lakh only) with interest @ 6 per cent per annum from the date of application. The Insurance Company undertakes to re-calculate and deposit the modified award amount before the 4th M.A.C.T., Keonjhar in M.A.C. Case No.73/178 of 2014-08 within a period of eight weeks hence along with the interest @ 6 per cent per annum.

7. On deposit of the reduced/modified award amount along with the interest as stated above before the 4th M.A.C.T., Keonjhar in M.A.C. Case No.73/178 of 2014-08, the same shall be disbursed to the Respondent No.1/claimant in terms of its order. Further, the penal interest as fixed by the 4th M.A.C.T., Keonjhar is waived. Moreover, on filing of a receipt evidencing the deposit before this Court with a refund application, the

statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant/Insurance Company.

8. The MACA is, accordingly, disposed of.

9. The MACA having been disposed of in the 1st National Lok Adalat, 2022, no Court fee is payable.

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

(S.K. Panigrahi, J.)
1st National Lok Adalat, 2022

BJ

