

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.423 of 2022 and MACA No.336 of 2022

MACA No.423 of 2022

Oriental Insurance Co. Ltd.

.... ***Appellant***
Ms.R.Pati, Advocate

-versus-

Biranchi Mohapatra and another

.... ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent No.1

AND

MACA No.336 of 2022

Biranchi Mohapatra

.... ***Appellant***
Mr.P.K.Mishra, Advocate

-versus-

Sanjaya Bhol and another

.... ***Respondents***
Ms.R.Pati, Advocate for Respondent No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
20.10.2022

Order No.

08.

1. The matter is taken up through Hybrid mode.
2. Heard Ms.Pati, learned counsel for the Insurer and Mr.Mishra, learned counsel for the claimant.
3. Both the appeals arise out of the same judgment dated 10th May, 2022 passed by the learned Special Judge, CBI, Court No.1-cum-Motor Accident Claims Tribunal-4, Bhubaneswar in

M.A.C. Case No.42 of 2019, wherein compensation to tune of Rs.23,98,000/- along with interest @9% per annum has been granted from the date of filing of the claim application on account of injuries sustained by the claimant in the motor vehicular accident dated 31st January, 2019.

4. MACA No.423 of 2022 has been filed by the Insurer and MACA No.336 of 2022 has been filed by the claimant. In both the appeals, the challenges are on the quantum of compensation.

5. Upon hearing both parties and perusal of the impugned judgment, it reveals that if the contention of the Insurer regarding applicability of minimum wages for determining the income of the injured is considered along with grant of future prospects and 100% functional disability, the amount of compensation would almost be the same as determined by the Tribunal in the impugned judgment. Therefore, without getting into further discussions on such issues, same amount of compensation as granted by the Tribunal is confirmed. However, the rate of interest is reduced to 6% against 9% granted by the Tribunal.

6. In the result, both the appeals are disposed of with a direction to the Insurer to deposit the entire compensation amount along with interest @6% per annum before the Tribunal 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 on the same terms and proportion contained in the impugned judgment.

7. The statutory deposit made by the Insurer in MACA No.423 of 2022 with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

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

(B.P. Routray)
Judge

C.R.Biswal

