

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.305 of 2021

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

Mr. P.K. Mahali, Advocate

-versus-

Surya Sahoo and Others ***Respondents***

Mr. P.K. Mishra, counsel for Respondents 1, 3 & 4

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
20.9.2022

Order No.

- 02.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. P.K. Mahali, learned counsel for the insurer-Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondent Nos.1, 3 & 4.
 3. Present appeal by the insurer is against the impugned common judgment dated 18th January, 2020 of the learned 3rd MACT, Cuttack passed in MAC Case Nos.720, 721, 722 and 728 of 2005. The present appeal is relating to MAC Case No.720 of 2005 wherein compensation to the tune of Rs.4,09,880/- along with interest @ 7% per annum has been granted on account of death of Santosh Sahoo in the motor vehicular accident dated 22nd April, 2005.
 4. Upon hearing both parties and considering the grounds of challenge as advanced, a reduced compensation of Rs.3,50,000/- along with 6% is proposed to the parties. This is agreed by Mr.

Mishra, learned counsel for the claimant – Respondents and Mr. Mahali, learned counsel for the Appellant leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit a reduced compensation amount of Rs.3,50,000/- (three lakhs fifty thousand) before the tribunal along with interest @ 6% per annum from the date as directed by the tribunal, within a period of two months from today, which shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the tribunal. However, as prayed on behalf of the Appellant, it is open for it to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

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

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

(B.P. Routray)
Judge