

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.314 of 2021

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

Mr. S. Satapathy, Advocate

-versus-

Smt. Pravati Pattanayak and another ***Respondents***
Mr. P.K. Mishra, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
01.08.2022

Order No.
05.

1. Heard Mr. S. Satapathy, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment dated 30.03.2021 of learned 5th M.A.C.T., Baripada in M.A.C. Case No.37 of 2019 wherein compensation to the tune of Rs.5,20,000/- has been granted along with simple interest @7% per annum to the claimant from the date of the order on account of death of the deceased in the motor vehicular accident dated 12.04.2019.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.4,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. S. Satapathy,

learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.4,00,000/- (rupees four lakhs) before the Tribunal along with interest @6% per annum from the date of order of the learned Tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant on such terms and proportion to be fixed by the Tribunal. However, this Court has not disturbed the right of recovery granted in favour of the insurer as per the direction of the learned Tribunal.

5. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

6. The MACA is disposed of with aforesaid directions.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge