

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.442 of 2022

The Divisional Manager,
M/s.The New India Assurance Co.Ltd. Appellant
Mr.G.C.Samantray, Advocate

-versus-

Kanchanbala Swain and others Respondents
Mr.B.N.Rath, Advocate for Respondent Nos.1 and 2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
2.12.2022

Order No.

3. 1. The matter is taken up through Hybrid mode.
2. Heard Mr.Samantray, learned counsel for the Appellant- Insurer and Mr.Rath, learned counsel for claimants- Respondent Nos.1 and 2.
3. Present appeal by the insurer is against the judgment dated 15th March, 2022 of the 2nd Addl. District Judge-Cum-3rd MACT, Cuttack, in M.A.C.Case No.821 of 2016, wherein compensation to the tune of Rs.32,94,250/- has been granted along with interest @6% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 31st December, 2015.
4. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.32,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Rath, learned counsel for

the claimants-Respondent Nos.1 and 2. Mr. Samantray, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.32,00,000/- (Thirty two lakhs) before the Tribunal along with interest @6% per annum 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 claimants on such terms and proportion to be fixed by the Tribunal. It goes without saying that the right of recovery granted in favour of the Insurer-Appellant by the Tribunal is left undisturbed.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. The statutory deposit made by the Appellant 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