

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1228 of 2018

***Divisional Manager,
National Insurance Company Ltd.***

....

Appellant

Mr.R.R.Mohanty, Advocate

-versus-

Jamuna Das and others

....

Respondents

Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 4

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
13.9.2022**

Order No.

7.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mohanty, learned counsel for the Appellant and Mr.Mishra, learned counsel for the claimants-Respondent Nos.1 to 4.
3. Present appeal by the Insurer is directed against the judgment dated 26th June, 2018 of the learned 1st M.A.C.T., Keonjhar in M.A.C. Case No.233 of 2017, wherein compensation to the tune of Rs.14,20,000/- has been granted along with interest @ 7% 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 dated 15th September, 2017.
4. Having heard both parties and considering the grounds advanced, a reduced compensation of Rs.10,50,000/- along with interest @6% per annum is proposed to the parties in course of

hearing. This is agreed by Mr.Mishra, learned counsel for the claimants-Respondent Nos.1 to 4. Mr.Mohanty, 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.10,50,000/- (Ten lakhs fifty thousand) along with interest @6% per annum from the date of filing of the claim application within a period of two months from today; whereafter the same shall be disbursed in favour of claimants – Respondent Nos.1 to 4 namely, Jamuna Das, Jitendra Das, Rohin Das and Padmabati Das subject to deposit of 70% of the share fall to each of them in separate fixed deposits. As prayed by the Appellant, it is open for him 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. With aforesaid modification in the compensation amount and directions, 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

