

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.324 of 2021

Oriental Insurance Company Ltd. ***Appellant***
Mr.P.K.Mahali, Advocate

-versus-

Tuni Pati and others ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent Nos.1 to 3

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
19.5.2022

Order No.

6.

1. Heard Mr.Mahali, learned counsel for the Appellant-Insurer and Mr.Mishra, learned counsel for claimants-Respondent Nos.1 to 3.

2. Present appeal by the Insurer is against judgment dated 16th July, 2021 of the learned 2nd Addl. District Judge-cum-3rd MACT, Cuttack in MAC Case No.879 of 2017, wherein compensation to the tune of Rs.40,42,162/- has been granted along with interest @ 7% per annum with effect from the date of filing of the claim application on account of the death of the deceased in the motor vehicular accident on 19th October, 2017.

3. It is submitted by Mr.Mahali, learned counsel for the Appellant that the offending vehicle was not involved in the accident but has been implanted to manage the compensation amount. In respect of such contention, it is stated that this particular vehicle is involved in five other claim cases.

4. Upon examination of such contention, it is found that neither the same was pled nor any evidence was adduced to that effect before the learned tribunal. As such in absence of any material brought on record to that effect, such contention raised by the Appellant is rejected.

5. Considering all such grounds of challenge with regard to quantum of compensation, a reduced compensation of Rs.39,00,000/- 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 claimant-Respondent Nos.1 to 3. Mr.Mahali, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.39,00,000/-(thirty nine 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.

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

8. 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.

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

(B.P. Routray)
Judge

C.R.Biswal

