

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1288 of 2018

***Branch Manager, Oriental Insurance
Company Ltd., Saheed Nagar, BBSR***

Appellant

Mr. G.P. Dutta, Advocate

-versus-

Smt. Bisakha Biswas and Others

Respondents

Mr. K. Panigrahi, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

13.12.2022

Order No.

- 05.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. G. P. Dutta, learned counsel for the insurer – Appellant and Mr. K. Panigrahi, learned counsel for claimant – Respondent No.1.
 3. The consolidated cause title filed by Mr. Dutta is taken on record.
 4. Present appeal by the insurer is against impugned judgment dated 28th March, 2018 of the learned 1st MACT, Koraput at Jeypore passed in MAC No.136 of 2014, wherein compensation to the tune of Rs.11,10,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 20th October, 2014 has been granted on account of death of deceased Krushna Biswas in the motor vehicular accident dated 27th March, 2014.
 5. Upon hearing both parties and considering all such grounds of challenge, a modified compensation of Rs.10,75,000/- along with 6%

interest is proposed to the parties. This is agreed by Mr. Panigrahi, learned counsel for the claimant – Respondent No.1 and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation amount is fixed to the said extent.

6. In the result, the appeal is disposed of with a direction to the Appellant – insurer to deposit the modified compensation amount of Rs.10,75,000/- (ten lakhs seventy-five thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 20th October, 2014, within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent No.1 on such terms and proportion to be decided by the learned tribunal.

7. It goes without saying that the right of recovery granted in favour of the insurer by the tribunal is left undisturbed.

8. 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.

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

(B.P. Routray)
Judge