

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1306 of 2018

Oriental Insurance Company Ltd.,
represented through its Divisional ***Appellant***
Manager

Mr. G.P. Dutta, Advocate

-versus-

Arnapurna Rout and Others ***Respondents***

Mr. B. Singh, counsel for Respondents 1&2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.10.2022

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. G.P. Dutta, learned counsel for the insurer-Appellant and Mr. B. Singh, learned counsel for the claimant – Respondents 1 & 2.
 3. Present appeal by the insurer is against the impugned judgment dated 25th May, 2016 of the learned 2nd MACT, Cuttack passed in Misc. Case No.512 of 2002 wherein compensation to the tune of Rs.4,02,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 24th July, 2002 has been granted on account of death of the deceased Binod Kumar Rout in the motor vehicular accident dated 13th June, 2002.
 4. Upon hearing both parties and considering the grounds of challenge as advanced, no reason is found to reduce the compensation amount, however, the rate of interest is reduced to 6% from 7% as directed by the tribunal.

5. Mr. Dutta further submits for granting right of recovery for violation of the policy condition as no DL and Permit was there in respect of the offending vehicle and its driver. But the DL aspect is disputed by Mr. Singh, learned counsel for the claimants. However, since non-availability of permit remains undisputed, the insurer is granted right of recovery.

6. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the entire compensation amount of Rs.4,02,000/- (four lakhs two thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 24th July, 2002, within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondents on the same term and proportion as contained in the impugned judgment. As stated above, it is open for the Appellant to seek such right of recovery of the compensation amount from the owner of the vehicle in accordance with law after affording opportunity of hearing to him.

7. 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.

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

(B.P. Routray)
Judge