

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.337 of 2021

Oriental Insurance Company Ltd ***Appellant***
Mr.G.P.Dutta, Advocate

-versus-

Ramesh Kanta Jena and another ***Respondents***
Mr.P.C.Pattnaik, Advocate for Respondent No.1
Mr.Debashish Pattnaik, Advocate for Respondent No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
25.4.2022

Order No.

3.

1. Heard Mr.G.P.Dutta, learned counsel for the Appellant-Insurer and Mr.P.C.Pattnaik, learned counsel for claimant-Respondent No.1 as well as Mr.D.Pattnaik, learned counsel Respondent No.2-Owner.

2. Present appeal by the Insurer is against the judgment dated 20th January, 2020 of the learned 2nd Additional District Judge-cum-6th MACT, Khurda in MACT Case No.44 of 2014, wherein compensation to the tune of Rs.6,35,000/- has been granted along with interest @ 6% per annum with effect from the date of filing of the claim application on account of injuries sustained by the claimant in the motor vehicular accident on 10th March, 2014.

3. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.5,00,000/-

along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Pattnaik, learned counsel for the claimant-Respondent No.1. Mr.Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

4. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.5,00,000/-(Five 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 claimant on such terms and proportion to be fixed by the Tribunal. However, the penal interest is waived.

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

6. 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.

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

(B.P. Routray)
Judge

