

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.872 of 2019

Rabindra Dalei and others ***Appellants***

Mr. P.K. Mishra, Advocate

-versus-

Ranjita Khatua and another ***Respondents***

Mr. S. Satapathy, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

14.03.2022

Order No.

07.

1. Heard Mr. P.K. Mishra, learned counsel for the Appellants-claimants as well as Mr. S. Satapathy, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal is directed against judgement dated 24.08.2019 of the learned 1st MACT, Keonjhar in MAC Case No.152 of 2017 wherein compensation of Rs.1,00,000/- has been granted to the claimants along with simple interest @7% per annum from the date of filing of the claim application i.e.19.07.2017 on account of death of the deceased in the motor vehicular accident dated 04.06.2017.

3. The claimants have come up in the present appeal praying for enhancement of the compensation amount.

4. Mr. P.K. Mishra, learned counsel for the claimants-Appellants submits that in view of the principle decided in the case of *National Insurance Company Ltd. vs. Birender and others, 2020 (1) T.A.C. 675 (S.C.)*, the reasons assigned by the Tribunal

in rejecting the claim of the appeal is no more sustainable. He also takes support from the case of *National Insurance Company Limited vs. Pranay Sethi and others*, (2017) 16 SCC 680.

5. Having heard both the parties and considering the grounds advanced, further consolidated sum of Rs.5,50,000/- (rupees five lakhs fifty thousand) is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Appellants agrees to the same and Mr. S. Satapathy, learned counsel for Respondent No.2-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. Accordingly, the Insurance Company is directed to deposit the further consolidated sum of Rs.5,50,000/- before the learned Tribunal within a period of two months from today which shall be disbursed to the claimants on such terms and proportion to be decided by the learned Tribunal.

7. It is made clear that if Respondent No.2 fails to deposit the amount within the time stipulated, it shall pay interest @6% per annum on the aforesaid amount from the date of filing of the appeal memo, i.e. 28.11.2019.

8. With aforesaid directions, the MACA is disposed of.

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

(**B.P. Routray**)
Judge