

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.354 of 2021

Divisional Manager, National Insurance Co. Ltd. ***Appellant***

Mr. P.K. Mahali, Adv.

-versus-

Santilata Nayak and Ors. ***Respondents***

Mr. Pradeep Ku. Mishra, Adv.
(For Respondent Nos.1 to 4)

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
12.03.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode in the 1st National Lok Adalat, 2022.
 2. Learned counsel for the Appellant/Insurance Company and learned counsel for the Respondent Nos.1 to 4/ Claimants are present.
 3. The Appellant/ Insurance Company has filed this MACA challenging the judgment and award dated 22.02.2021 passed by the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.750 of 2016 directing the Appellant/ Insurance Company to pay a sum of Rs.12,58,800/- (Rupees twelve lakh fifty-eight thousand eight hundred only) to the Respondent Nos.1 to 4/Claimants with simple interest @ 6 per cent per annum from the date of filing of the claim petition i.e. from 09.11.2016 within two months of passing of the order, failing which, the Respondent Nos.1 to 4/ Claimants would be

at liberty to realize the awarded amount along with the interest at the rate of 12 per cent per annum from the date of passing of the order till the payment is made.

4. At present, on the basis of the compromise made between the parties, the claim is settled by modifying/ reducing the amount awarded from Rs.12,58,800/- (Rupees twelve lakh fifty-eight thousand eight hundred only) to Rs.11,75,000/- (Rupees eleven lakh seventy-five thousand only) with interest @ 6 per cent per annum from the date of application. The Insurance Company undertakes to re-calculate and deposit the modified award amount before the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.750 of 2016 within a period of eight weeks hence along with the interest @ 6 per cent per annum.

5. On deposit of the modified award amount along with the interest as stated above before the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.750 of 2016, the same shall be disbursed to the Respondent Nos.1 to 4/Claimants in terms of its order proportionately. Further, the penal interest as fixed by the learned 1st Additional District Judge-cum- 1st M.A.C.T., Cuttack in M.A.C. Case No.750 of 2016 is waived. Moreover, on filing of a receipt evidencing the deposit before this Court with a refund application, the statutory deposit, if any, made before this Court with accrued interest thereon shall be refunded to the Appellant/Insurance Company.

6. The MACA is, accordingly, disposed of.

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

(S.K. Panigrahi, J.)
1st National Lok Adalat, 2022

BJ

