

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.355 of 2021

Senior Divisional Manager, M/s. Appellant
National Insurance Co. Ltd.

Mr. P.K. Mahali, Adv.

-versus-

Prabin Kumar Dutta and Ors. Respondents

Mr. Biranchi Narayan Rout, Adv.
(For Respondent Nos.1 & 2)

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 and 2/ Claimants are present.
 3. The Appellant/ Insurance Company has filed this MACA challenging the judgment and award dated 18.03.2021 passed by the learned 1st M.A.C.T., Mayurbhanj, Baripada in M.A.C. Case No.19 of 2017 directing the Appellant/ Insurance Company to pay a sum of Rs.12,41,976/- (Rupees twelve lakh forty-one thousand nine hundred seventy-six only) to the Respondent Nos.1 and 2/Claimants with interest @ 7 per cent per annum from the date of filing of the claim petition i.e. from 18.04.2017 within two months of passing of the order.
 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.12,41,976/- (Rupees twelve lakh forty-one thousand nine hundred seventy-six only) to Rs.12,00,000/- (Rupees twelve lakh only) with interest @ 7 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 M.A.C.T., Mayurbhanj, Baripada in M.A.C. Case No.19 of 2017 within a period of eight weeks hence along with the interest @ 7 per cent per annum.

5. On deposit of the modified award amount along with the interest as stated above before the learned 1st M.A.C.T., Mayurbhanj, Baripada in M.A.C. Case No.19 of 2017, the same shall be disbursed to the Respondent Nos.1 and 2/Claimants in terms of its order proportionately. Further, 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. In view of disposal of the present MACA filed by the Insurance Company, the appeal i.e. MACA No.436 of 2021 stated to have been filed by the claimants, the present Respondent Nos.1 and 2, is dropped.

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

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

BJ