

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.356 of 2021

And

MACA No.58 of 2022

Sibasankar Gan

....

Appellant

Mr.P.K.Mishra, Advocate

-versus-

Satyajit Barad and others

....

Respondents

Mr.P.K.Mahali, Advocate for Respondent No.2

AND

M/s.Oriental Insurance Co. Ltd.

....

Appellant

Mr.P.K.Mahali, Advocate

-versus-

Satyajit Barad and others

....

Respondents

Mr.P.K.Mishra, Advocate for Respondent No.1

CORAM:

स्वयम्भेव नम्यते

JUSTICE B. P. ROUTRAY

ORDER

26.4.2022

Order No.

3.

1. Heard Mr.Mishra, learned counsel for the claimant and Mahali, learned counsel for the Insurer.

2. Both the appeals being directed against the same judgment are taken up together and disposed of by this common order.

3. MACA No.356 of 2021 has been preferred by the Injured claimant praying for enhancement of the compensation amount and MACA No.58 of 2022 has been preferred by the Insurer challenging the compensation amount.

4. The challenge in both the appeals is against impugned judgment dated 7th December, 2020 passed by the learned Second Motor Accident Claims Tribunal, Cuttack in Misc.Case No.806 of 2018, wherein compensation to the tune of Rs.13,82,966/- along with interest @7% per annum has been granted from the date of filing of the claim application on account of injuries sustained by the injured claimant in the motor vehicular accident dated 31st August, 2018.

5. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.13,30,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel for the claimant. Mr.Mahali, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer is directed to deposit the reduced compensation of Rs.13,30,000/-(Thirteen lakhs thirty thousand) 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.

7. With aforesaid modification in the compensation amount, both the appeals are disposed of.

8. The statutory deposit made by the Appellant in MACA No.58 of 2022 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.

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

(B.P. Routray)
Judge

C.R.Biswal

