

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.909 of 2019

The Divisional Manager, IFFCO

TOKIO General Insurance Co. Ltd.

....

Appellant

Mr. G.P. Dutta along with Mr. S.K. Mohanty, Advocate

-versus-

Prasanta Ghana and Others

....

Respondents

Mr. P.K. Mishra along with Mr. B.N. Rath,
counsel for Respondents 1-3

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

9.5.2022

Order No.

- 10.
1. Heard Mr. G.P. Dutta along with Mr. S.K. Mohanty, learned counsel for the insurer – Appellant and Mr. P.K. Mishra along with Mr. B.N. Rath, learned counsel for claimant – Respondents 1-3.
 2. Present appeal by the insurer has been filed challenging the judgment dated 16th August, 2019 of learned 3rd MACT, Champua passed in MAC No.20/116 of 2018-2015 wherein compensation to the tune of Rs.20,25,215/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 17th August, 2015 has been granted on account of death of the deceased in the motor vehicular accident dated 13th July, 2015.
 3. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.17,50,000/- along

with interest @ 6% per annum is proposed to the parties in course of hearing. This is agreed by Mr. Rath, learned counsel for the claimant- Respondents and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the Court. As such, the amount is fixed to the above extent.

4. In the result the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation of Rs.17,50,000/- (seventeen lakh fifty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 17th August, 2015 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by learned Tribunal.

5. The statutory deposit made by the appellant before this court along with accrued interest be refunded to the Appellant - insurer on proper application and on production of proof of deposit of the awarded amount before the tribunal.

6. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge