

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.799 of 2020

The New India Assurance Co. Ltd. ***Appellant***

Mr. M. Sinha, Advocate

-versus-

Bidyasini Behera and another ***Respondents***

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

06.04.2022

Order No.

05.

1. Heard Mr. M. Sinha, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment dated 28.09.2020 of learned 1st MACT, Jagatsinghpur in MAC Case No.362/2012 wherein learned Tribunal has granted compensation to the tune of Rs.35,000/- along with 7% interest per annum to the claimant from the date of filing of the claim application, i.e.26.12.2012 on account of injury sustained by her in the motor vehicular accident dated 28.10.2012.

3. Having heard both the parties and considering the grounds advanced, the same amount of compensation of Rs.35,000/- with reduced interest @ 6% being proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. M. Sinha, learned counsel for the Appellant-Insurance Company leaves it to the

discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. The Appellant – Insurance Company is directed to deposit the compensation amount of Rs.35,000/- (rupees thirty-five thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.26.12.2012 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant. However, as prayed on behalf of the Appellant, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

5. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

6. The MACA is disposed of with aforesaid directions.

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

(B.P. Routray)
Judge