

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.801 of 2020

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

Mr. M. Sinha, Advocate

-versus-

Ganesh Behera and others ***Respondents***

Mr. P.K. Mishra, Advocate for Respondent Nos.1, 2(a), 2(b) & 3

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

06.04.2022

Order No.

09.

1. Heard Mr. M. Sinha, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1, 2(a), 2(b) & 3-claimants.

2. Present appeal by the insurer is directed against the judgment dated 28.09.2020 of learned 1st MACT, Jagatsinghpur in MAC Case No.363/2012 wherein learned Tribunal has granted compensation to the tune of Rs.6,23,001/- along with 7% interest per annum to the claimants from the date of filing of the claim application, i.e.26.12.2012 on account of death of the deceased in the motor vehicular accident dated 28.10.2012.

3. Having heard both the parties and considering the grounds advanced, a reduced compensation to the tune of Rs.5,80,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1, 2(a), 2(b) & 3 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 reduced compensation of Rs.5,80,000/- (rupees five lakhs eighty 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; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the Tribunal. 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