

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.424 of 2021

***Branch Manager, Cholamandalam
General Insurance Company Ltd.***

.... ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Rajesh Kumar Sahu and Another

.... ***Respondents***

Mr. K. Panigrahi, counsel for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
29.11.2022

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. G.P. Dutta, learned counsel for the insurer - Appellant and Mr. K. Panigrahi, learned counsel who submits to have entered appearance for the claimant – Respondent No.1.
 3. Present appeal by the insurer is against the impugned judgment dated 24th August, 2021 of the learned 5th MACT, Rourkela passed in MAC Case No.337 of 2015, wherein compensation to the tune of Rs.10,78,559/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 3rd December, 2015 has been granted on account of injuries sustained by the injured – claimant in the motor vehicular accident dated 18th July, 2015.
 4. Upon hearing both parties and considering all grounds of challenge, a reduced compensation of Rs.10,20,000/- along with 6% interest is proposed to the parties. This is agreed by Mr. Panigrahi, learned counsel for the claimant – Respondent No.1 and Mr. Dutta,

learned counsel for the insurer leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

5. In the result the appeal is disposed of with a direction to the insurer – Appellant to deposit a reduced compensation of Rs.10,20,000/- (ten lakhs twenty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 3rd December, 2015, within a period of two months from today; where-after the same shall be disbursed in favour of the injured – claimant on such terms and proportion to be decided by the tribunal.

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

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

(B.P. Routray)
Judge