

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.425 of 2021

Branch Manager (Legal), HDFC
ERGO General Insurance Co. Ltd. ***Appellant***

Mr. A.A. Khan, Advocate

-versus-

Pradyumna Kumar Balabantaray and
Others ***Respondents***

Mr. B.B. Singh, counsel for Respondent Nos.1&2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
30.8.2022

Order No.

- 05.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. A.A. Khan, learned counsel for the insurer – Appellant and Mr. B.B. Singh, learned counsel for claimant – Respondent Nos.1&2.
 3. Present appeal by the insurer is against the impugned judgment dated 26th August, 2021 of the learned 1st MACT, Balasore passed in MAC Case No.316 of 2017 wherein compensation to the tune of Rs.33,28,460/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 14th July, 2017 has been granted on account of death of the deceased in the motor vehicular accident dated 14th February, 2017.
 4. Upon hearing both the parties and considering all such grounds of challenge, a reduced compensation of Rs.25,16,000/- along with interest @ 6% is proposed to the parties. This is agreed by Mr. Singh,

learned counsel for the claimant- Respondent Nos.1 &2 and Mr. Khan, learned counsel for the insurer leaves it to the discretion of the court. As such the compensation is fixed to the above extent.

5. In the result, the appeal is disposed of with a direction to the insurer – Appellant to deposit the reduced compensation of Rs.25,16,000/- (twenty-five lakhs sixteen thousand) before the tribunal along with 6% interest per annum from the date of filing of the claim application, i.e. 14th July, 2017 within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondent No.2 on such terms and proportion to be decided by the Tribunal.

6. 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.

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

(B.P. Routray)
Judge