IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.458 of 2021

The Divisional Manager, M/s. Oriental Insurance Company Ltd.	....	***Appellant***

Mr. A.A. Khan, Advocate

-versus-

Geetanjali Bhutia and Others	....	***Respondents***

Mr. T.C. Mohanty, senior counsel for Respondent Nos.1-3

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
20.9.2022

Order No.

04. 1. The matter is taken up through hybrid mode.

2. Heard Mr. A.A. Khan, learned counsel for the insurer – Appellant and Mr. T.C. Mohanty, learned Senior Counsel for claimant-Respondents 1-3.

3. Present appeal by the insurer is against the impugned judgment dated 11th October, 2021 of the learned 1st MACT, Cuttack passed in MAC Case No.596 of 2014 wherein compensation to the tune of Rs.40,71,188/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 22nd August, 2014 has been granted on account of death of deceased Ajaya Kumar Bhutia in the motor vehicular accident dated 18th December, 2013.

4. This is the second round of approach by the insurance company. Earlier they approached this court in MACA No.334 of

2020 and this court by order dated 17th August, 2021 remanded back the matter to the tribunal for consideration on limited aspects, first to revisit the calculation and secondly on the interest aspect as well as the modality of release of amount.

5. Mr. Khan, learned counsel submits on behalf of the insurer that though the tribunal has revisited the calculation aspect but failed to analyze on the interest aspect and directed for payment of interest from the date of filing of the claim application.

6. As per submission of Mr. Khan, the insurer is not liable to pay interest from the date of filing of the claim application, i.e. 22nd August, 2014 till 30th March, 2019, i.e the when the claimants adduced their evidence. But Mr. Khan in course of hearing fails to substantiate his contention that the claimants were negligent in pursuing their case or had any laches on their part. The insurer has also not adduced any evidence on this aspect. Therefore such contention raised on behalf of the insurer is rejected.

7. There being no further challenge raised with regard to the quantum of compensation, the appeal filed by the insurance company is found liable for dismissal. However, the penal interest of 12% is waived.

8. In the result, the insurer – Appellant is directed to deposit the entire compensation amount before the tribunal along with interest in terms of direction of the tribunal within a period of three months from today; where-after the same shall be disbursed in favour of the claimant – Respondents in terms of the direction contained in the impugned judgment.

9. The appeal is disposed of.

10. The statutory deposit made by the insurer - 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.

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

(B.P. Routray)
Judge

M.K.Panda