IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.737 of 2023
And
MACA No.950 of 2023

MACA No.737 of 2023 .... ***Appellants***

1.Saheb Hikabadi
2.Simari Hikabadi

Mr.Kalpataru Panigrahi, Advocate

-versus-

1.Bighnaraj Baliarsingh
2.The Manager, Legal, M/s.Shriram General Insurance Co.Ltd.

.... ***Respondents***
Mr. Adam Ali Khan, Advocate
(for Respondent No.2)

MACA No.950 of 2023

The Manager Legal, M/s.Shriram General Insurance Company, Ltd. .... ***Appellant***

Mr.Adam Ali Khan, Advocate

Versus

1.Saheb Hikabadi
2.Simari Hikabadi

.... ***Respondents***

Mr. Kalpataru Panigrahi, Advocate
(for Respondents No.1 and 2)

CORAM:
HON'BLE MS. JUSTICE SAVITRI RATHO
ORDER

Order No. **14.12.2024**

03. 1. Mr.Kalpataru Panigrahi, learned counsel for the appellants-claimants in MACA No.737 of 2023 and for respondents-claimants in MACA No.950 of 2023 and Mr.Adam Ali Khan, learned counsel for respondent No.2-insurance

company in MACA No.737 of 2023 and for the appellant-insurance company in MACA No.950 of 2023 are present.

2. Both the appeals have been filed challenging the judgment dated 17.05.2023 passed by the learned 3rd Addl. District Judge-cum-4th MACT, Cuttack in M.A.C. Case No.1244 of 2017, under Section 166 of the Motor Vehicles Act. The learned Tribunal disposed of MACA No.1244 of 2017, MACA No.1245 of 2017 and MACA No.1246 of 2017 by a common judgment. In MACA No.1244 of 2017, the Insurance Company was directed to pay a sum of Rs.8,78,080/- (Rupees eight lakhs, seventy eight thousand and eighty only) alongwith 6% interest per annum from the date of filing of the claim application to the claimants by depositing the same in SBI current account vide account number-41684417395, IFSC No.SBIN0000059 in the name of 4th Motor Accident Claim Tribunal, Cuttack with proper intimation to the tribunal within two months, failing which the claimants would be at liberty to realize the awarded amount alongwith interest @ 12% per annum after completion of two months till the payment is made by the insurance company through the process of law. There was further direction for investment of the amount after apportioning it between the claimants and for release of the accrued interest amount and right of recovery in accordance with law was granted.

3. MACA No.737 of 2023 has been filed by the claimants for enhancement of the compensation amount and MACA No.950 of 2023 has been filed by the Insurance Company for setting aside the judgment.

4. The compromise memo signed by Mr.Adam Ali Khan and Mr.Kalpataru Panigrahi, learned counsel is available in the record.

5. It is now agreed between the insurance company and claimants that a consolidated amount of Rs.10,63,767/- (Rupees ten lakhs, sixty three thousand, seven hundred and sixty seven only) without any interest shall be paid by the Insurance Company to the respondents–claimants within a period of eight weeks from today.

6. It is therefore directed that the appellant–Insurance Company shall deposit the aforesaid consolidated agreed amount of Rs.10,63,767/- (Rupees ten lakhs, sixty three thousand, seven hundred and sixty seven only) within a period of eight weeks from today before the Tribunal and the same shall be apportioned between the claimants and invested as per direction of the learned Tribunal. Right of recovery is confirmed.

7. As the settlement is arrived at before the National Lok Adalat, no court fee shall be levied.

8. On production of proof of deposit, the statutory amount shall be refunded to the appellant Insurance Company along with accrued interest, on proper application.

9. Both the MACAs are accordingly disposed of.

(Savitri Ratho)
Judge
4th National Lok Adalat

Signature Not Verified
Digitally Signed
Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court
Date: 07-Jan-2025 17:15:48