

(2022) 11 OHC CK 0079
In the Orissa High Court
Case No : MACA No.834 Of 2014

Area Manager, Shriram General Insurance Company Ltd	APPELLANT
Vs	
Smt. Nishu Devi And Others	RESPONDENT

Date of Decision : 10-11-2022

Acts Referred:

Citation : (2022) 11 OHC CK 0079

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : Adam Ali Khan, P.K. Nayak

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. The matter is taken up through hybrid mode.
2. Heard Mr. A.A. Khan, learned counsel for the insurer - Appellant and Mr. P.K. Nayak, learned counsel for the claimant – Respondents 1-5.
3. Mr. Nayak submits that in the meantime claimant – Respondent No.4, namely Ramananda Singh @ Ramanandan Singh died on 4th December, 2020. Since all other LR's. are on record, no substitution is required.
4. Present appeal by the insurer is directed against impugned judgment dated 11th April, 2014 of the learned 3rd MACT, Rourkela passed in MAC Case No.41 of 2011, wherein compensation to the tune of Rs.23,60,000/- along with interest @ 7% per annum from the date of filing of the claim application has been granted on account of death of deceased, Upendra Kumar Singh in the motor vehicular accident dated 7th December, 2010.
5. Upon hearing both parties and considering all such grounds of challenge, a reduced compensation of Rs.12,50,000/- with 6% interest is proposed to the parties. This is agreed by Mr. Nayak, learned counsel for the claimant –

Respondents and Mr. Khan, learned counsel for the insurer leaves it to the discretion of the court. As such the amount is fixed to that extent.

6. Mr. Khan submits that the claimants have already received Rs.50,000/- towards no-fault liability during pendency of the claim application and the same may be adjusted from the modified compensation amount.

7. In the result the appeal is disposed of with a direction to the Appellant – insurer to deposit the balance modified compensation amount of Rs.12,00,000/- (twelve lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Respondents 1, 2, 3 & 5, namely Smt. Nishu Devi, Abhisek Kumar, Ashutosh Kumar and Smt. Kausalya Devi on such terms and proportion to be decided by the learned tribunal.

8. 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.

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

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