

(2021) 12 OHC CK 0100
In the Orissa High Court
Case No : MACA No. 632 Of 2020

Authorized Signatory, M/s.National Insurance Company Ltd	APPELLANT
Vs	
Padma Sahoo And Others	RESPONDENT

Date of Decision : 14-12-2021

Acts Referred:

Citation : (2021) 12 OHC CK 0100

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

Bench : Single Bench

Advocate : Santanu Kumar Sarangi, Pabitra Kumar Nayak

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. S.K. Sarangi, learned counsel for the insurer - Appellant and Mr. P.K. Nayak, learned counsel for the claimants - Respondents.

2. The present appeal is by the insurer challenging the impugned judgment dated 16th September, 2019 of the learned 3rd MACT, Talcher in MAC Case No.93 of 2018.

3. In the impugned judgment learned tribunal upon adjudicating the dispute has directed for payment of compensation to the tune of Rs.17,82,760/-along with interest @ 7% per annum from the date of filing of the claim application, i.e. 7th August, 2018 on account of death of the deceased in the motor vehicular accident on 11th July, 2018.

4. It is contended on behalf of the Appellant that the learned tribunal has assessed the income of the deceased at Rs.12,234/- without sufficient proof and compulsory deductions made therefrom on different heads have also not been counted by the learned Tribunal.

5. Having heard Mr. Nayak, learned counsel for the claimants -Respondents and

upon perusal of the impugned judgment and the discussions made therein for assessing the monthly income of the deceased and keeping in view all other factors into consideration, the amount of compensation is reduced to Rs.16,00,000/-. Learned counsel for the claimants also agrees to the aforesaid amount.

6. Accordingly the compensation amount is reduced to Rs.16,00,000/- (sixteen lakhs) and the Appellant - insurer is directed to deposit the same along with 6% interest per annum from the date of filing of the claim application, i.e. 7th August, 2018 before the tribunal within a period of eight weeks from today; where-after it will be disbursed to the claimants in the same proportion and terms as directed by the Tribunal.

7. 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.

8. The appeal is disposed of in the above terms.

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

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