

(2022) 03 OHC CK 0122
In the Orissa High Court
Case No : MACA No. 397 Of 2019

Divisional Manager, National Insurance Co. Ltd

APPELLANT

Vs

Damayanti Dehury And Others

RESPONDENT

Date of Decision : 21-03-2022

Acts Referred:

Citation : (2022) 03 OHC CK 0122

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

Bench : Single Bench

Advocate : B.N. Udgata, P.K. Mishra

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. B.N. Udgata, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 to 3-claimants.

2. Present appeal by the insurer is directed against the judgment dated 4.1.2019 of learned 1st MACT, Keonjhar in MAC Case No.183 of 2016 wherein learned Tribunal has granted compensation to the tune of Rs.6,96,000/- along with 7% interest per annum to the claimants from the date of filing of the claim application, i.e.15.9.2016 on account of death of the deceased in the motor vehicular accident dated 29.07.2016.

3. Mr. B.N. Udgata, learned counsel for the Appellant submits that the age of the deceased was 63 years as per his date of birth on 1.8.1953 recorded in the Adhar Card. But the same has been wrongly taken as 55 years to apply the multiplier 11. If the age of the deceased would be counted as 63 years, the multiplier applied to would be 7 instead of 11.

4. In reply it is submitted by Mr. Mishra that the Adhar Card of the deceased has not been brought on record to suggest his age.

5. Considering the grounds advanced by both parties, a reduced compensation to the tune of Rs.5,00,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1 to 3 agrees to the same and Mr. B.N. Udgata, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. The Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.5,00,000/- (rupees five lakhs) along with interest @6% per annum from the date of filing of the claim application, i.e.15.9.2016 before the Tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the Tribunal.

7. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

8. The MACA is disposed of with aforesaid directions.

9. An urgent certified copy of this order be granted on proper application.

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