
(2023) 04 OHC CK 0027
In the Orissa High Court
Case No : MACA No.585 of 2022

Divisional Manager, Oriental Insurance Co. Ltd.

APPELLANT

Vs

Sarita Pande And Others

RESPONDENT

Date of Decision : 04-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0027

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

Bench : Single Bench

Advocate : S.K. Mohanty, P.K. Mishra

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. From the office note, it appears that instead of the expressions "I.A. No.1238 of 2022", the same has been inadvertently mentioned in the order dated 19.12.2022 as "I.A. No.1481 of 2022".

2. The expressions "I.A. No.1481 of 2022" mentioned in the order dated 19.12.2022 is corrected as "I.A. No.1238 of 2022". The rest part of said order remains unaltered.

3. Heard Mr. S.K. Mohanty, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 to 4-claimants.

4. Present appeal by the insurer is directed against the judgment dated 09.08.2022 of learned 1st M.A.C.T., Bargarh in M.A.C. Case No.30 of 2018, wherein compensation to the tune of Rs.13,18,856/- has been granted along with interest @7% per annum to the claimants from the date of filing of the claim application, i.e.19.03.2018 on account of death of the deceased in the motor vehicular accident dated 26.02.2018.

5. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.12,75,000/-along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants agrees to the same and Mr. S.K. Mohanty, 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. In the result, the Appellant – Insurance Company is directed to deposit reduced compensation of Rs.12,75,000/- (rupees twelve lakhs seventy-five thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.19.03.2018 within a period of two months from today; where-after the same shall be disbursed in favour of the claimants-Respondent Nos.1 to 4 on such terms and proportion to be fixed by the Tribunal. However, as prayed on behalf of the insurer, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner.

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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