
(2023) 05 OHC CK 0214
In the Orissa High Court
Case No : MACA No.717 Of 2018

Divisional Manager, Oriental insurance Company Ltd.,
Represented Through its Regional Manager, BBSR

APPELLANT

Vs

Smt. Renubala Mishra @ Rina And Another

RESPONDENT

Date of Decision : 15-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0214

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

Bench : Single Bench

Advocate : Subrat Satpathy, M.K. Pradhan

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. The matter is taken up through hybrid mode.
2. Heard Mr. S. Satpathy, learned counsel for the insurer – Appellant and Mr. M.K. Pradhan, learned counsel for claimant – Respondent No.1.
3. It is submitted at the Bar that the cost has been paid and received.
4. Present appeal by the insurer - Appellant is directed against the impugned common judgment dated 25th October, 2017 of learned 3rd MACT, Bhubaneswar passed in MAC Case No.368 of 2004 and 378 of 2004. Present appeal is in respect of MAC Case No.378 of 2004, wherein compensation to the tune of Rs.24,396/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 16th August, 2004 has been granted on account of injuries sustained by the injured – claimant in the motor vehicular accident dated 15th May, 2004.
5. Upon hearing both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.20,000/- with 6% interest is proposed to the parties. This is agreed Mr. Pradhan, learned counsel for the injured -

claimant and Mr. Satpathy, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation amount is fixed to the said extent.

6. In the result the appeal is disposed of with a direction to the insurer – Appellant to deposit the modified compensation amount of Rs.20,000/- (twenty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 16th August, 2004, within a period of two months from today; where-after the same shall be disbursed in favour of the injured - claimant – Respondent on such terms and proportion to be decided by the learned tribunal.

7. However the direction of the tribunal for payment of penal interest @ 8% is waived.

8. As prayed for by Mr. Satpathy, the appellant is at liberty to proceed against the other tort-feasor in accordance with law.

9. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded on proper application and on production of proof of deposit of the awarded amount before the tribunal

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

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