
(2023) 06 OHC CK 0069
In the Orissa High Court
Case No : MACA No.97 Of 2015

Divisional Manager, The New India Assurance Co. Ltd

APPELLANT

Vs

Nath Singh And Others

RESPONDENT

Date of Decision : 23-06-2023

Acts Referred:

Citation : (2023) 06 OHC CK 0069

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

Bench : Single Bench

Advocate : M. Sinha, N.M. Praharaj

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. M. Sinha, learned counsel for the Appellant-Insurance Company as well as Mr. N. M. Praharaj, learned counsel for Respondent Nos.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 31.10.2014 of learned 4th M.A.C.T., Mayurbhanj in M.A.C. No.70/115 of 2013-11, wherein compensation to the tune of Rs.4,88,000/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application, i.e.01.10.2012 on account of death of the deceased in the motor vehicular accident dated 29.3.2011.

3. Upon hearing both the parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.4,70,000/-along with 6% interest is proposed to the parties in course of hearing. Mr. N. M. Praharaj, learned counsel for the claimants agrees to the same and Mr. M. Sinha, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. In the result, the Appellant – Insurance Company is directed to deposit reduced compensation of Rs.4,70,000/- (rupees four lakhs seventy thousand)

before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e. 01.10.2012 within a period of two months from today; where-after the same shall be disbursed in favour of the claimants-Respondent Nos.1 & 2 on such terms and proportion to be fixed by the Tribunal.

5. 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.

6. On deposit of the award amount before 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.

7. The MACA is disposed of with aforesaid directions.

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

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