
(2023) 05 OHC CK 0084
In the Orissa High Court
Case No : MACA No.326 Of 2022

D.M., M/s.Oriental Insurance Co. Ltd

APPELLANT

Vs

Yasti Saria And Others

RESPONDENT

Date of Decision : 04-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0084

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

Bench : Single Bench

Advocate : P.K.Mahali, P.K.Swain

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1.The matter is taken up through hybrid mode.

2. Heard Mr.Mahali, learned counsel for the Appellant-Insurer and Mr.Swain, learned counsel for the claimants-Respondent Nos.1 & 2.

3. Present appeal by the Insurer is directed against the judgment dated 30th March, 2022 of the Member, 2nd M.A.C.T., Northern Division, Sambalpur, in M.A.C. Case No.125 of 2012(Sambalpur), wherein compensation to the tune of Rs.5,32,580/- has been granted along with interest @6% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 10th April, 2012.

4. Upon hearing both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.5,00,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Swain, learned counsel for the claimants. Mr.Mahali, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.5,00,000/-(Five lakhs) before the Tribunal along with interest @6% per annum from the date of filing of the claim application 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 fixed by the Tribunal. As prayed by 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. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

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

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