

(2022) 11 OHC CK 0080
In the Orissa High Court
Case No : MACA No.377 Of 2014

M/s. Oriental Insurance Company Ltd., through its Manager, APPELLANT
Regional Office, Sahidnagar, Bhubaneswar

Vs

Niranjan Sutar And Another RESPONDENT

Date of Decision : 10-11-2022

Acts Referred:

Citation : (2022) 11 OHC CK 0080

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

Bench : Single Bench

Advocate : S. Mallik, K.C. Nayak

Final Decision : Dismissed

Judgement

B. P. Routray, J

1. The matter is taken up through hybrid mode.
2. Heard Mr. S. Mallik, learned counsel for the insurer -Appellant and Mr. K.C. Nayak, learned counsel for the claimant – Respondent No.1.
3. Present appeal by the insurer is against the impugned judgment dated 10th January, 2014 of the learned 2nd MACT, Cuttack passed in Misc. Case No.1436 of 1991 wherein compensation to the tune of Rs.40,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 23rd December, 1991 has been granted on account of death of deceased Tari Dei in the motor vehicular accident dated 31st October, 1991.
4. Mr. Mallik contends on behalf of the insurer that the offending vehicle bearing registration number OAU 45 (Mini Bus) was not validly insured on the date of accident and therefore, the insurer is not liable to indemnify the compensation amount.
5. Upon perusal of record it reveals that no evidence has been adduced from the side of the insurer except one postal receipt dated 30th March, 2012. This postal

receipt has no relevancy regarding validity of insurance policy of the vehicle. Apart from that, the police papers also do not speak absence of any valid insurance policy in respect of the offending vehicle. In such circumstances, the contention raised by Mr. Mallik against validity of insurance policy is rejected.

6. In the result the appeal is dismissed and the Appellant – insurer is directed to deposit the entire compensation amount along with interest in terms of direction of the tribunal within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondent No.1 on such terms and proportion to be decided by the learned tribunal.

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

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

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