
(2022) 02 OHC CK 0088
In the Orissa High Court
Case No : MACA No. 837 Of 2007

M/s.I.C.I.C.I. Lombard General Insurance Co. Ltd	APPELLANT
Vs	
Smt. P.Usharani And Others	RESPONDENT

Date of Decision : 11-02-2022

Acts Referred:

Citation : (2022) 02 OHC CK 0088

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

Bench : Single Bench

Advocate : Adam Ali Khan

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr.Khan, learned counsel for the Appellant. None appears on call for the claimants-respondents despite sufficient service of notice.

2. Present appeal by the Insurer is against judgment dated 7th May, 2013 of the learned District Judge-MACT, Rayagada in M.A.C. Case No.13 of

2010, wherein compensation to the tune of Rs.6,88,750/- has been granted along with interest @ 7% 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 4th March, 2010.

3. It is submitted by Shri Khan, learned counsel for the Appellant that among four claimants, claimant no.3, namely, P.Naveen Kumar Patnaik being

major should not be counted as a dependant and should be excluded from the fray. He further contends that in such case, 1/3rd of the income is liable

to be deducted towards personal expenditure of the deceased and thus, the amount compensation is liable to be reduced.

4. Upon perusal of the impugned judgment, said ground of challenge as advanced by Mr.Khan is not found convincing. It is for the reason that no such material has been brought on record through evidence to reveal exact date of birth of P. Naveen Kumar Patnaik on the date of accident. It goes

without saying that the date of accident is 4th March, 2010 and the claim application was filed subsequent to that. Therefore the contention of the

Appellant is rejected being without force. Further perusal of the impugned judgment does not reveal any such infirmity to warrant interference.

However, the rate of interest is reduced to 6% per annum and the penal interest is waived.

5. Accordingly, the Appellant-Insurer is directed to deposit the entire compensation amount of Rs.6,88,750/- (Six lakh eighty eight thousand seven

hundred fifty) before the learned Tribunal along with interest @ 6% per annum from the date of filing of the claim application i.e., 21st June, 2010

within a period of two months from today, where-after the same shall be disbursed to the claimants on the same terms and conditions as directed by

the Tribunal in the impugned judgment.

6. With aforesaid modification, 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 the order be granted on proper application..

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