

(2023) 07 OHC CK 0068
In the Orissa High Court
Case No : MACA No.537 Of 2016

National Insurance Company Ltd

APPELLANT

Vs

Sarojini Behera And Others

RESPONDENT

Date of Decision : 10-07-2023

Acts Referred:

Citation : (2023) 07 OHC CK 0068

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

Bench : Single Bench

Advocate : J.R. Deo, G. Mishra, P.K. Das

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. J.R. Deo on behalf of Mr. G. Mishra, learned Senior Counsel for the Appellant-Insurance Company as well as Mr. P.K. Das, learned counsel for Respondent Nos.1 to 3-claimants.

2. Present appeal by the insurer is directed against the judgment dated 30.4.2015 of learned 1st M.A.C.T., Jajpur in M.A.C. Case No.118 of 2010, wherein compensation to the tune of Rs.17,07,000/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application, i.e.30.10.2010 on account of death of the deceased in the motor vehicular accident dated 25.12.2009.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.14,50,000/-along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Das, learned counsel for the claimants agrees to the same and Mr. J.R. Deo, 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 the

reduced compensation of Rs.14,50,000/- (rupees fourteen lakhs fifty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e. 30.10.2010 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.

5. On deposit of the award amount before the 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.

6. The MACA is disposed of with aforesaid directions.

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

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