
(2023) 06 OHC CK 0071
In the Orissa High Court
Case No : MACA No.417 Of 2009

New India Assurance Co. Ltd

APPELLANT

Vs

Brunda Kisan And Others

RESPONDENT

Date of Decision : 23-06-2023

Acts Referred:

Citation : (2023) 06 OHC CK 0071

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

Bench : Single Bench

Advocate : G.P. Dutta, L.N. Patel, T. Sinha

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company as well as Mr. L.N. Patel along with Ms. T. Sinha, learned counsels for Respondent Nos.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 03.10.2008 of learned 1st M.A.C.T., Sambalpur in M.A.C. Case No.103 of 2006, wherein compensation to the tune of Rs.2,16,000/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application, i.e. 4.7.2006 on account of death of the deceased in the motor vehicular accident dated 16.4.2006.

3. Upon hearing both parties and considering all such grounds of challenge advanced including the fact that the deceased was a bachelor and the claimants are the parents, a reduced compensation of Rs.2,10,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. L.N. Patel, learned counsel for the claimants agrees to the same and Mr. G.P. Dutta, 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.2,10,000/- (rupees two lakhs ten thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e. 4.7.2006 within a period of two months from today; whereafter 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. Since no permit of the offending vehicle was there and the vehicle was a passenger carrying vehicle, right of recovery is extended in favour of the Insurance Company. Accordingly, the Appellant-Insurance Company is granted liberty to recover the amount from the owner of the offending vehicle in accordance with law.

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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