
(2023) 06 OHC CK 0072
In the Orissa High Court
Case No : MACA No.418 Of 2009

New India Assurance Co. Ltd

APPELLANT

Vs

Mst. Pramila Patel And Others

RESPONDENT

Date of Decision : 23-06-2023

Acts Referred:

Citation : (2023) 06 OHC CK 0072

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

Bench : Single Bench

Advocate : G.P. Dutta, M. Das

Final Decision : Disposed Of

Judgement

B. P. Routray, J

M.C. No.672 of 2010

1. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company as well as Mr. M. Das, learned counsel for Respondent Nos.1 & 2-claimants.

2. Upon hearing both the parties and considering the grounds mentioned in the limitation petition, the delay in filing the appeal is condoned.

3. The M.C. is disposed of.

MACA No.418 of 2009

4. It is submitted that Respondent No.3-Smt. Hira Patel and Respondent No.4-Narasingha Patel died in the meantime during pendency of the appeal. Accordingly, Mr. Dutta as well as Mr. Das, both the counsels pray for deleting their names.

5. 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.104 of 2006, wherein compensation to the tune of Rs.2,82,000/- 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.

6. Upon hearing both the parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.2,60,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. M. Das, 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.

7. In the result, the Appellant – Insurance Company is directed to deposit reduced compensation of Rs.2,60,000/- (rupees two lakhs sixty 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 Respondent No.1-Mst. Pramila Patel and Respondent No.2-Babita Patel (wife and daughter of the deceased) on such terms and proportion to be fixed by the Tribunal.

8. 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.

9. 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.

10. The MACA is disposed of with aforesaid directions.

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

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