
(2023) 07 OHC CK 0087
In the Orissa High Court
Case No : MACA No.861 Of 2019

New India Assurance Co. Ltd

APPELLANT

Vs

Sasmita Sahoo And Another

RESPONDENT

Date of Decision : 11-07-2023

Acts Referred:

Citation : (2023) 07 OHC CK 0087

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

Bench : Single Bench

Advocate : S. Satapathy, P.K. Mishra

Final Decision : Disposed Of

Judgement

B. P. Routray, J

I.A. No.1714 of 2019

1. Heard Mr. S. Satapathy, learned counsel for the Appellant-Insurance Company and Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.

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 I.A. is disposed of.

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4. Present appeal by the insurer is directed against the judgment dated 13.8.2019 of learned 4th M.A.C.T., Puri in M.A.C. Case No.243-283 of 2010-2009, wherein compensation to the tune of Rs.90,000/- has been granted along with interest @6% per annum to the claimant from the date of filing of the claim application, i.e.24.9.2009 on account of injury sustained by her in the motor vehicular accident dated 28.2.2009.

5. Upon hearing both the parties and considering the grounds of challenge

advanced, a reduced compensation of Rs.80,000/- along with interest @6% per annum is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimant agrees to the same and Mr. S. Satapathy, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.80,000/- (rupees eighty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e. 24.9.2009 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant on such terms and proportion to be fixed by the Tribunal. It is made clear that, this Court has not disturbed the direction of learned Tribunal regarding right of recovery granted in favour of the Insurance Company.

7. 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.

8. The MACA is disposed of with aforesaid directions.

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

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