

(2023) 04 OHC CK 0286
In the Orissa High Court
Case No : MACA No.800 Of 2008

New India Assurance Company Limited	APPELLANT
Vs	
Simanchal Padhi And Another	RESPONDENT

Date of Decision : 26-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0286

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

Bench : Single Bench

Advocate : G.P. Dutta, B.K. Behera

Final Decision : Disposed Of

Judgement

B. P. Routray, J

M.C. No.105 of 2009

1. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company and Mr. B.K. Behera, learned counsel for the Respondent No.1-claimant.

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

3. The M.C. is disposed of.

MACA No.800 of 2008

4. Though this matter was listed under the heading "For Orders", but the same is taken up for final disposal on the request of parties.

5. Present appeal by the insurer is directed against the judgment dated 15.01.2008 of learned 2nd M.A.C.T., Northern Division, Sambalpur in Misc.(A) Case No.65 of 2000 (S), wherein compensation to the tune of Rs.76,066/- has been granted along with interest @6% per annum to the claimant from the date of filing of the claim application, i.e.19.04.2001 on account of injury sustained by

him in the motor vehicular accident dated 2.3.1999.

5. Upon hearing both the parties and considering the grounds of challenge advanced including the condition that the injured has reimbursed a sum of Rs.15,780/- from his employer, a reduced compensation of Rs.60,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. B.K. Behera, learned counsel for Respondent No.1-claimant 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.

6. In the result, the Appellant – Insurance Company is directed to deposit the reduced compensation of Rs.600,000/- (rupees sixty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.19.04.2001 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimant-Respondent No.1 on such terms and proportion to be decided by the Tribunal.

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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