

(2023) 03 OHC CK 0071

In the Orissa High Court

Case No : MACA No.57 Of 2020 & 299 Of 2019

Oriental Insurance Co. Ltd

APPELLANT

Vs

Rangabati Sethi And Others

RESPONDENT

Date of Decision : 06-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0071

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

Bench : Single Bench

Advocate : S. Satapathy, S. Satapathy

Final Decision : Disposed Of

Judgement

B. P. Routray, J

MACA No.57 of 2020 and MACA No.299 of 2019

1. Heard Mr. S. Satapathy, learned counsel for the Insurance Company and Mr. P.K. Mishra, learned counsel for the claimants.
2. Both the appeals being arise out of the same judgment dated 20.12.2018 of learned 3rd MACT, Bhubaneswar in M.A.C. Case No.103/271 of 2012, wherein compensation to the tune of Rs.7,22,600/- has been granted along with interest @7% per annum to the claimants from the date of filing of the claim application, i.e.27.12.2012 on account of death of the deceased in a motor vehicular accident dated 29.07.2012, are heard together and disposed of by this common order.
3. MACA No.299 of 2019 has been filed by the claimants and MACA No.57 of 2020 has been preferred by the Insurance Company challenging the award.
4. Upon hearing both the parties and considering all such grounds raised by the Insurance Company, a modified compensation of Rs.9,15,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants agrees to the same and Mr. S. Satapathy, learned

counsel for the Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

5. In the result, both the appeals are disposed of with a direction to the Insurance Company to deposit the modified compensation of Rs.9,15,000/- (rupees nine lakhs fifteen thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.27.12.2012 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 decided by the learned Tribunal. However, as prayed on behalf of the insurer, it is open for him to seek such right of recovery, if recoverable, from the owner of the vehicle in accordance with law after affording opportunity of hearing to the owner. The direction for payment of penal interest @ 8% per annum is waived.

6. On deposit of the award amount by the insurer before the learned Tribunal and filing of a receipt evidencing the deposit with refund applications before this Court, the statutory deposit made in MACA No.57 of 2020 before this Court with accrued interest thereon shall be refunded to the insurer.

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

.....