
(2023) 05 OHC CK 0256
In the Orissa High Court
Case No : MACA No. 541 Of 2022

Oriental Insurance Co. Ltd.

APPELLANT

Vs

Sujata Mohanty And Others

RESPONDENT

Date of Decision : 18-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0256

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

Bench : Single Bench

Advocate : A.A.Khan, D.Pattanaik

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Khan, learned counsel for the Appellant-Insurer and Mr.Pattnaik, learned counsel for claimants-Respondent No.1 to 4.
3. Present appeal by the Insurer is directed against the judgment dated 25th August, 2022 of the learned District Judge-cum-1st M.A.C.T., Jagatsinghpur in Motor Accident Claim Case No.41 of 2017, wherein compensation to the tune of Rs.13,64,770/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 12th December, 2016.
4. Upon hearing both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.12,70,000/- along with interest @6% per annum is proposed to the parties in course of hearing. This is agreed by Mr.Pattnaik, learned counsel for the claimants. Mr.Khan, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Appellant is directed to deposit the reduced compensation of Rs.12,70,000/- (Twelve lakhs seventy thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application 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 fixed by the Tribunal. It goes without saying that the right of recovery granted in favour of the Insurer is left undisturbed. The direction for payment of penal interest @12% is waived.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

8. Urgent certified copy of this order be granted on proper application.

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