



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1167 of 2024

***The Manager, Reliance
General Insurance Company
Ltd., Khurda.***

....

Appellant

Mr. S. Satapathy, Advocate

-versus-

Tiki Dalpati & Others

....

Respondents

Mr. P.K. Mishra, Adv.

(for Res. Nos.1 to 4)

CORAM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

02.05.2025

Order No. **I.A. NO.2746 of 2024**

- 3.** **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard.
- 3.** Considering the grounds taken, the delay in filing the appeal is condoned.
- 4.** The I.A stands disposed of.

(Biraja Prasanna Satapathy)
Judge

MACA No.1167 of 2024

- 4.** **1.** Heard learned counsel appearing for the parties.
- 2.** This appeal has been filed by the Appellant–Company challenging the judgment dt.26.07.2024so passed by the learned District Judge-cum-Member, First M.A.C.T in MAC No.31 of 2022. Vide the said Judgment, the Tribunal assessed compensation at Rs.55,97,122 along with interest



@6% per annum payable from the date of filing of the claim application till its realization.

3. In support of the appeal, learned counsel appearing for the appellant contended that during investigation, since no helmet was seized, it is to be held that the deceased was riding the motorcycle without wearing a helmet. Specific stand taken by Respondent No.5- owner of the offending vehicle in his written statement that the deceased was crossing the road by his motorcycle and dashed against his car was not properly appreciated by the Tribunal. In view of such statement of Respondent No.5, there is contributory negligence on the part of the deceased and the Tribunal ought to have deducted 50% towards contributory negligence. But the Tribunal did not take into consideration that aspect while assessing the award.

3.1. Making all these submissions, learned counsel appearing for the appellant-company contended that the impugned award needs interference of this Court.

4. Even though learned counsel for the claimants-respondents supported the impugned award, but in course of hearing contended that the claimants-respondents will be fully satisfied if this Court will reduce the compensation amount to Rs.49,00,000/- along with interest @ 6% per annum payable from the date of filing of the claim application till its realization.

5. Learned counsel appearing for the Appellant-company left the aforesaid proposition made by the learned counsel for the Claimants-respondents to the discretion of this Court.



6. Having heard learned counsel for the parties and considering the submission made, this Court while interfering with the impugned judgment is inclined to reduce the compensation to Rs.49,00,000/- along with interest @6% per annum payable from the date of application till its realization. This Court accordingly directs the Appellant-Company to deposit compensation amount of Rs.49,00,000/- along with interest @6% per annum payable from the date of application till its realization within a period of eight (8) weeks from the date of receipt of this order.

6.1. It is observed that on such deposit of the amount, the Tribunal shall do well to disburse the same in favour of the Claimants-Respondents proportionately in terms of the judgment dt.26.07.2024.

6.2. It is further observed that if the Appellant-Company will fail to deposit the compensation amount within the time stipulated here-in-above, the compensation amount of Rs.49,00,000/- shall carry interest @7% per annum payable from the date of expiry of the period of 8 (eight) weeks till it is so deposited.

6.3. It is observed that Account Payee Cheque so deposited by the appellant company and not yet invested be returned back after satisfaction of the award.

6.4. The MACA accordingly stands disposed of.

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 07-May-2025 12:09:29



(Biraja Prasanna Satapathy)
Judge