

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.3 of 2021**

***M. Yagneswar @ Vigneswar Rao*** .... ***Appellant***

Mr. K.C. Nayak, Advocate

*-versus-*

***Abhi Ganta and Another*** .... ***Respondents***

Mr. S.K. Mohanty, counsel for Respondent No.2

**CORAM:**

**SHRI JUSTICE B. P. ROUTRAY**

**ORDER**

**8.4.2022**

**Order No.**

- 08.
1. Heard Mr. K.C. Nayak, learned counsel for the claimant – Appellant and Mr. S.K. Mohanty, learned counsel for insurer – Respondent No.2.
  2. Present appeal by the claimant has been filed challenging the common judgment dated 28<sup>th</sup> February, 2020 of learned MACT, Rayagada passed in MAC No.39 and 32 of 2016. The present appeal is in respect of MAC No.39 of 2016 wherein compensation to the tune of Rs.3,54,000/- along with interest @ 9% per annum from the date of filing of the claim application, i.e. 10<sup>th</sup> December, 2016 has been granted on account of death of the deceased in the motor vehicular accident dated 15<sup>th</sup> September, 2015.
  3. The claimant has come up in the present appeal praying for enhancement of the compensation amount on the ground that the daily

wage rate for unskilled labour on the date of accident was though Rs.200/- per day, but the tribunal has erroneously counted the monthly income at Rs.3000/- per month only instead of Rs. 6000/-.

4. Having heard both parties and considering the grounds of challenge, a further consolidated sum of Rs.4,00,000/- is proposed to the parties. This is agreed by Mr. Nayak, learned counsel for the claimant and Mr. Mohanty, learned counsel for the insurer leaves it to the discretion of the court. As such the amount is fixed to the above extent.

5. In the result, the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit a further consolidated compensation of Rs.4,00,000/- (four lakh) before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant on such terms and proportion to be decided by the learned Tribunal.

6. An urgent certified copy of this order be issued as per rules.

**( B.P. Routray )**  
**Judge**