

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.6 of 2022

The Divisional Manager, M/s.United India Insurance Co. Ltd. *Appellant*

Mr. S.K. Mohanty, Advocate

-versus-

Pravasini Kandiyar and others *Respondents*

Mr. P.K. Mishra, Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
15.03.2022

Order No.

02.

1. Heard Mr. S.K. Mohanty, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 & 2-claimants.

2. Present appeal by the insurer is directed against the judgment dated 9.9.2021 of the learned 3rd MACT, Jagatsinghpur in MAC Case No.410 of 2015 wherein the learned Tribunal has granted compensation to the tune of Rs.57,12,000/- along with 7% interest per annum to the claimants from 20.11.2015 on account of death of the deceased in the motor vehicular accident dated 06.08.2015.

3. As submitted by Mr. S.K. Mohanty, learned counsel for the Appellant, the challenge is confined to the only ground that while computing monthly income of the deceased, the learned Tribunal has committed grave error by taking the gross salary of the

deceased without deduction of statutory tax amount. He fairly submits that no other ground mentioned in the appeal is pressed for except the prayer for reduction of rate of interest to 6% per annum.

4. Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 & 2 fairly agrees to the submission that the Tribunal has taken gross income of the deceased without any statutory deduction.

5. Having heard both the parties and upon perusal of the impugned judgment, it reveals that the learned Tribunal while determining the monthly income of the deceased has fixed the same at Rs.29,177/- at paragraph 8 of the judgment. The deceased was aged about 33 years and working as Havildar of Police.

6. Considering the challenges advanced, a reduced compensation to the tune of Rs.54,50,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1& 2 agrees to the same and Mr. S.K. Mohanty, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

7. Accordingly, the Insurance Company is directed to deposit the modified amount of Rs.54,50,000/- (rupees fifty-four lakhs fifty thousand only) along with interest @6% per annum from 20.11.2015 before the learned Tribunal 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 as directed by the Tribunal.

8. 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.

9. The MACA is disposed of with aforesaid directions.

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

(*B.P. Routray*)
Judge