IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA Nos.5 and 340 of 2020

MACA No.5 of 2020

Jagannath Nayak and another .... ***Appellants***

Mr.D.C.Dey, Advocate

-versus-

Ch.Lalita Rani Patro and another .... ***Respondents***

Mr.P.K.Panda, Advocate for Respondent No. 2

AND

MACA No.340 of 2020

The Manager (Legal Cell),
The New India Assurance Co. Ltd. .... ***Appellant***

Mr.P.K.Panda, Advocate

-versus-

Nirupama Nayak and another .... ***Respondents***

Mr.D.C.Dey, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
4.03.2022

Order No.

5. 1. Heard Mr.Dey, learned counsel for the Insurer and Mr.Panda, learned counsel for the claimant.

2. Both the appeals are directed against the common judgment dated 3rd December, 2019 passed by the learned 3rd Addl. District Judge-cum-4th M.A.C.T., Cuttack in MAC Case No.612 of 2016/16 of 2018 (Computer No.612 of 2016), wherein compensation to the tune of Rs.27,12,080/- has been granted on

account of death of the deceased in the motor vehicular accident dated 9th June, 2016.

3. The claimant while has prayed for enhancement of the compensation amount, the Insurer has prayed for reduction of the same. As per the submission of Mr.Dey, learned counsel for the claimant, the Tribunal has deducted a substantial amount from the income of the deceased beyond the statutory deductions, whereas as per the submission of Mr.Panda, learned counsel for the claimant, the Tribunal has failed to deduct conveyance allowance from the monthly salary of the deceased.

4. Having heard both parties and upon perusal of the impugned judgment, it reveals that the learned Tribunal has accepted the annual income of the deceased at Rs.2,35,900/- based on the salary certificate and income tax return details mentioned in Form-16 of the deceased. Thus the approach of learned Tribunal is seen without any fault in determining the compensation and further, the learned Tribunal has applied the principles enumerated in the case of ***National Insurance Company Ltd. v. Pranay Sethi and Others,*** (2017) 16 SCC 680 for adding future prospects and other conventional heads.

5. In the result, no infirmity being seen in the impugned judgment, both the appeals are dismissed. However, the penal interest @12% per annum as directed by the Tribunal is waived.

6. Accordingly, the Insurer is directed to deposit the entire compensation amount before the learned Tribunal along with 6% interest as directed in the impugned judgement within a period of two months from today, where-after the same shall be disbursed

to the claimants on the same terms and conditions as per direction of the Tribunal.

7. The statutory deposit made by the Insurer 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 the order be granted on proper application.

(B.P. Routray)
Judge

HIGH COURT ORISSA

C.R.Biswal