

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1123 of 2013

Kishore Ku. Medri & Ors.

....

Appellants

-versus-

Gopal Ghosh & Anr.

....

Respondents

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

31.03.2022

Order No

05. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. Dhananjaya Mund, learned counsel appearing for Appellants and Mr. P.K. Sahoo, learned counsel appearing for the Respondent No.1 and Mr. P.K. Mahali, learned counsel appearing for the Respondents-Company.

3. This appeal has been filed by the Claimants/Appellants challenging the judgment dated 24.06.2013 passed in MAC Case No.2 of 2013 by the learned Additional District Judge –cum- MACT, Jeypore.

4. It is submitted by Mr. Mund, learned counsel appearing for Appellants that learned Tribunal while assessing the compensation at Rs.9,81,875/- (Rupees nine lakhs eighty one thousand eight hundred seventy five) with interest @ 6% per annum payable from the date of filing of the application till its payment, no compensation has been awarded towards future prospect of the deceased.

5. Mr. Mund, learned counsel for the Appellant relying on the decision of the Hon'ble Apex Court reported in the case of **Smt. Sarala Verma & Ors. Vrs. Delhi Transport Corporation & another (2009) 43 OCR (SC) Page 349** argued that in view of the income assessed by learned Tribunal the Appellant is entitled to get further compensation amount of Rs.4,80,938/- (Rupees four lakhs eighty thousand nine hundred thirty eight) towards future prospect.

6. Mr. Mahali, learned counsel appearing for the Respondent-Company while supporting the impugned judgment argued that learned Tribunal has rightly assessed the compensation. On being confronted by this Court with regard to the stand taken by the Appellant regarding non-grant of any compensation towards future prospect, Mr. Mahali could not bring any cogent material to the knowledge of this court.

7. Having heard learned counsel for both the Parties and in view of the decision relied on by the Appellant in the case of **Smt. Sarala Verma** (supra), this Court held that learned Tribunal while assessing the compensation has not awarded any compensation towards future prospect of the deceased.

8. Since the entire compensation amount along with interest has already been paid by the Respondent-Company, this Court when came to a conclusion to enhance the compensation by a further sum of Rs.2,00,000/- (Rupees two lakhs) consolidated. Mr Mund, learned counsel appearing for the Appellant supported the said view of the Court. Mr. Mahali, learned counsel appearing for the Respondent-Company left the same to the discretion of this Court.

9. In view of such stand of the respective Parties, this Court while interfering with the impugned judgment held that the Appellants are entitled to get a further sum of Rs.2,00,000/- (Rupees two lakhs) consolidated from the Respondent-Company. Accordingly, this court directs the Respondent-Company to pay further consolidated sum of Rs.2,00,000/- (Rupees two lakhs) in favour of the Appellants within a period of eight weeks from the date of receipt of the certified copy of the Order.

10. It is observed that if the Respondent-Company will fail to pay the amount so assessed by this Court within the time stipulated, the Appellant will be entitled to get interest @ 6% per annum on the said sum.

11. It is further observed that on deposit of the further compensation so directed by this Court, learned Tribunal shall do well to disburse the same proportionately in favour of the Appellants-Claimant in term of its earlier order passed on 24.06.2013.

12. With the aforesaid observation and direction the appeal is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha