

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.319 of 2003

Gitanjali Praharaj and Others ***Appellants***
Mr. J.R. Das, Advocate

-versus-

Hena Allum and Another ***Respondents***
Mr. P.K. Mahali, counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
21.12.2022

Order No.

- 29.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. J.R. Das, learned counsel for the claimant – Appellants and Mr. P.K. Mahali, learned counsel for insurer – Respondent No.2.
 3. Present appeal by the claimants is against the impugned judgment dated 30th September, 2002 of the learned 3rd MACT, Puri passed in MAC No.48/226 of 2001/1999, wherein compensation to the tune of Rs.3,08,000/- along with interest @ 9% per annum from the date of filing of the claim application, i.e. 22nd June, 1999 has been granted on account of death of deceased Basanta Kumar Praharaj in the motor vehicular accident dated 2nd June, 1999.
 4. Mr. Das contends in his submission that the tribunal has failed to add any future prospect to the income of the deceased though he was 26 years on the date of accident. The tribunal further did not grant any compensation towards loss of consortium.

5. Upon hearing Mr. Mahali, learned counsel for the insurer and perusal of the impugned judgment, it is seen that the tribunal by assessing monthly income of the deceased at Rs.2,500/- has determined the loss of dependency and for the said purpose applied multiplier '15'. The said multiplier needs to be corrected to '17' in terms of the decision of Hon'ble Supreme Court rendered in the case of *Sarla Verma v. DTC, reported in (2009) 6 SCC 121*. Further in terms of the decision of Supreme Court in the case of *National Insurance Company Ltd. v. Pranay Sethi and Others (2017) 16 SCC 680*, 40% towards future prospect needs to be added in the income of the deceased. Additionally, respective amount for loss of consortium to the widow and minor child is to be added.

6. Considering all such aspects and date of accident, without getting into all details, in the opinion of this court a further compensation amount of Rs.5,40,000/- consolidated would suffice the purpose.

7. In the result, the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit a further consolidated sum of Rs.5,40,000/- (five lakhs forty thousand) before the tribunal, within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Appellants on such terms and proportion to be decided by the learned tribunal.

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

(B.P. Routray)
Judge