

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.894 of 2007

From the Judgment / Order dated 18.04.2007 passed by the learned IInd MACT, Northern Division, Sambalpur in Misc.(A) Case No.218 / 2001 (S).

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Oriental Insurance Co., Ltd.

Appellant

-versus-

Masuka Ali Khan & Others

Respondents

For Appellant : M/s. G.P.Dutta, S.K.Mohanty
& B.K.Sahoo.

For Respondents : M/s. A.P.Bose & S.K.Dwibedi.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 12.05.2022 and Date of Order:18.05.2022

Biraja Prasanna Satapathy, J.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. G.P.Dutta, learned counsel for the Appellant and Mr. A.P.Bose, learned counsel for the Claimant-Respondent No.1.
- 3.** This appeal has been filed by the Appellant challenging the award dated 18.04.2007 passed in Misc (A) Case No.218/2001 (S) by the learned IInd, MACT, Northern Division, Sambalpur.

4. It is submitted by the learned Tribunal vide the said award awarded compensation of Rs.60,000/- in favour of the Claimant-Respondent with interest @ 6% per annum payable from the date of application till its realization.

5. It is submitted by the learned counsel for the Appellant that the learned Tribunal without proper appreciation of the grounds taken by the Appellant-Company and the documents exhibited by the Company in support of the stand, awarded compensation amount of Rs.60,000/-, which is not just and proper.

6. Accordingly, Mr. Dutta, learned counsel for the Appellant prayed for interference of this Court with the said award.

7. Mr. Bose, learned counsel for the Claimant-Respondent No.1 on the other hand submitted that though the case in hand is a case of injury, but the learned Tribunal taking into account the nature of injury and the period the Claimant remained under treatment, rightly awarded compensation of Rs.60,000/- on the face of the claim made for grant of compensation of Rs.1,00,000/-.

8. Heard learned counsel for the Parties.

9. Perused the materials available on record. After going through the same, this Court when came to a finding that the Appellant will be entitled to get compensation of Rs.50,000/- with interest @ 6% per annum payable from the date of application till its realization. Mr. Bose, learned counsel for the Claimant-Respondent supported the said view of this Court.

10. Mr. Dutta, learned counsel for the Appellant-

Company left the said view to the discretion of this Court.

11. In view of such stand taken by the learned counsel for both the Parties, this Court while disposing the appeal directs the Appellant-Company to pay compensation amount of Rs.50,000/- with interest @ 6% per annum payable from the date of application i.e. 20.09.2001 till its realization within a period of eight weeks from the date of receipt of this order.

12. However, it is observed that if the Appellant – Company will fail to pay the amount along with interest as directed by this Court within the time, the compensation amount of Rs.50,000/- will carry interest @ 7% per annum for the period starting from the expiry of the period of eight weeks till its payment.

13. It is observed that only after payment of the entire compensation amount as directed hereinabove, the Appellant-Company shall be permitted to take refund of the statutory deposit along with interest from the Registry of this Court on proper identification.

14. With the aforesaid observations and directions the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 18th of May, 2022/Subrat