

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.862 of 2013

Malati Devi & Ors.

....

Appellants

-versus-

**Sandeep Kumar Agrawal &
Anr.**

....

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
09.03.2022**

Order No

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

2. Heard Mr. Sahoo, learned counsel for the Appellants and Mr. S. Roy, learned counsel for the Respondents-Company.

3. This appeal has been filed by the Claimants-Appellants challenging the judgment passed by the learned Tribunal on 30.11.2012 in MAC Case No.317 of 1995.

4. Mr. Sahoo, learned counsel for the Appellants, while assailing the judgment on various grounds took a specific stand that the learned Tribunal while awarding the compensation amount of Rs.2,98,100/- with interest @ 6% per annum from the date of filing of the claim Petition, has

not awarded any compensation with regard to future prospect of the deceased. As admitted, the Appellant has received the awarded compensation along with interest.

5. Mr. Sahoo, learned counsel for the Appellants in support of such claim relied on the decision of the Hon'ble Apex Court reported in the case of ***Royal Sundaram Alliance Insurance Co. Ltd. Vrs. Mandala Yadagiri Goud and Ors. reported in (2019) 74 OCR(SC) Page 703.***

6. In the aforesaid decision Hon'ble Apex Court while deciding the issue, came to the finding that the future prospects have to be taken into consideration not only with respect to the status or educational qualification of the deceased but also other relevant factors such as higher salaries and perks which are being offered by the Private companies. But all those things were not taken into consideration by the learned Tribunal and no compensation has been awarded with regard to future prospects of the deceased.

7. Taking into account the income of the deceased taken by the Tribunal while assessing the compensation, I held the appellant entitled to get a further sum of Rs.1,00,000/- (Rupees one lakh) consolidated towards future prospect. The aforesaid view of this court while was accepted by the learned counsel appearing for the Appellant, the learned counsel appearing for the Respondent-Company left it to the discretion of this court.

8. Accordingly, I direct the respondent Company to pay the aforesaid compensation amount of Rs.1,00,000/- (Rupees one lakh) consolidated to the appellant herein within a period of eight weeks from today.

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

10. There shall be no order as to cost.

11. Mr. Sahoo, learned counsel for the Appellant produced the receipt issued by the High Court Bar Association showing deposit of cost of Rs.500/-.

12. Copy of the said receipt be kept on record.

(Biraja Prasanna Satapathy)
Judge

Sneha