

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.33 of 2019

Tapaswini Sahu and others

....

Appellants

Mr.P.K.Mishra, Advocate

-versus-

Ram Niwas Jain and another

....

Respondents

Mr.S.Roy, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

09.11.2022

Order No.

4.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra, learned counsel for the Appellants and Mr.Roy, learned counsel for Respondent No.2.
3. Present appeal by the Appellants is against the judgment dated 27th June, 2018 of the District Judge-cum-Member, First Motor Accident Claims Tribunal, Kalahandi, Bhawanipatna, in MAC Case No.92 of 2017, wherein compensation to the tune of Rs.29,69,260/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 29th July, 2017.
4. Mr.Mishra submits that the Tribunal while granting compensation has forgotten to add future prospects.

5. Upon hearing Mr.Roy, learned counsel for the Insurer and considering the grounds of challenge advanced including addition of future prospects to the extent of 30% to the income of the deceased, a further consolidated compensation of Rs.11,00,000/- is proposed to the parties in course of hearing (including consequential interest). This is agreed by Mr. Mishra, learned counsel for the claimants. Mr. Roy, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurer-Respondent No.2 is directed to deposit the further consolidated compensation of Rs.11,00,000/- (Eleven lakhs) before the Tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, the appeal is disposed of.

8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge