

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.408 of 2018

**Divisional Forest Officer,
Territorial, Rayagada**

....

Appellant

Mr. S.P. Panda, Advocate

-versus-

Bibhishan Sikaka

....

Respondent

Mr. D. Mund, Advocate

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.02.2022

Order No

03.

1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the appellant and learned counsel appearing for the sole respondent.

3. This appeal has been filed by the appellant challenging the judgment dated 29.11.2017 passed by the learned District Judge-cum-Member, 1st MACT, Kalahandi at Bhawanipatna in MAC No.29 of 2015.

4. As revealed from the aforesaid judgment, learned Tribunal after hearing the matter in detail passed the order to pay compensation of Rs.1,00,000/- (Rupees One lakh) in favour of the claimant-respondent along with interest @6% per annum w.e.f the date of filing of the claim till realization.

5. It is submitted by the learned counsel for the appellant that learned Tribunal without proper appreciation of the grounds taken by the appellant, passed such an order by allowing compensation in favour of the claimant-respondent.

6. Taking into account the grounds taken in the present appeal, I am of the considered view that the learned Tribunal while allowing the claim vide the impugned order has not taken into consideration the stand of the appellant in its proper perspective.

7. Accordingly while interfering with the aforesaid order, I deem it just and proper to direct the appellant to pay compensation of Rs.70,000/- (Rupees Seventy Thousand) along with interest @6% per annum w.e.f the date of filing of the claim application till realization within a period of three months from the date of production of the certified copy of this order.

8. It is observed that only on payment of the aforesaid amount as directed hereinabove, the statutory deposit made by the appellant before the Registry would be refunded along with the interest accrued thereon.

9. With the above observation and direction, the MACA is disposed of.

10. Issue urgent certified copy of this order on proper application.

(Biraja Prasanna Satapathy)
Judge

sangita