

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.941 of 2016

Divisional Manager, M/s. Appellant
National Insurance Co. Ltd.

-versus-

Sajan Behera & Ors. Respondents

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
21.06.2022

Order No

- 12.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Subrat Satpathy, learned counsel appearing for the Appellant-Company and Mr. Satyabhusan Das, learned counsel appearing on behalf of Claimant-Respondent No. 1.
3. This appeal has been filed by the Appellant-Company challenging the compensation awarded in favour of the Claimants-Respondents vide Judgment dtd.12.01.2016 in MAC Case No. 143/294 of 2013-11 by the learned ADJ –cum- 4th MACT, Keonjhar.
4. It is submitted that learned Tribunal vide the said order directed for payment of compensation amount of Rs.8,73,500/- (Rs. Eight lakh seventy three thousand five hundred) in favour of the

Claimants-Respondents along with interest @ 7% per annum from the date of filing of the case till its payment.

5. Mr. Satpathy, learned counsel appearing for the Appellant-Company though has assailed the award on various grounds, but he confined his challenge with regard to the grounds taken under Ground No. D. It is submitted that learned Tribunal has wrongly awarded compensation amount of Rs.1,00,000/- (Rs. One lakh) each towards loss of consortium and loss of estate and the said amount is on the higher side.

6. It is also submitted that the award of interest @ 7% per annum is already on the higher side. It is accordingly submitted that the Claimants-Respondent are not entitled to get compensation so awarded by the learned Tribunal with interest @ 7% per annum and this Court may interfere with the same. Mr. Das, learned counsel appearing for the Claimant-Respondent No. 1 while supported the impugned Judgment, but fails to satisfy this Court with regard to the grounds raised vide Ground No. D.

7. Taking into account the submissions made by the learned counsel appearing for the Parties, this Court when came to a conclusion that the award of compensation towards loss of consortium and loss of estate has been made at the higher side along with interest @ 7% per annum and held the Claimants entitled to get compensation amount of Rs.7,50,000/- (Rs. Seven lakh fifty thousand) with interest payable @ 6% per annum from the date of application till its payment, Mr. Das, learned counsel appearing for the Claimant-Respondent No. 1 supported the said view of this Court. Mr. Satpathy, learned counsel appearing for the

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

8. In view of the such stand taken by the learned counsel appearing for the Parties, this Court while interfering with the impugned order held that the Claimants-Respondents will be entitled to get compensation amount of Rs.7,50,000/- (Rs. Seven lakh fifty thousand) with interest as is allowed by the learned Tribunal. This Court accordingly directs the Appellant-Company to deposit the aforesaid compensation amount of Rs.7,50,000/- (Rs. Seven lakh fifty thousand) along with interest @ 6% per annum payable from the date of application i.e. 24.11.2011 till its payment within a period of eight (8) weeks from the date of receipt of this Order. It is directed that the Appellant-Company shall deposit the aforesaid amount along with interest before the learned Tribunal within the time indicated hereinabove.

9. It is observed that on such deposit of the amount, learned Tribunal shall disburse the same in favour of the Claimants in terms of the order passed on 12.01.2016. It is further observed that if the Appellant-Company will fail to deposit the compensation amount along with interest within the time stipulated by this Court, the Claimants-Respondents will be entitled to get interest @ 7% per annum for the period starting from the expiry of the period of 8(eight) weeks till its payment.

10. It is further observed that only after deposit of the compensation amount along with interest so assessed by this Court, the Appellant-Company shall be permitted to take refund of the

statutory deposit along with accrued interest from the Registry of this Court.

11. The appeal is disposed of in terms of the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha

