

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA NO.62 OF 2020

From the Judgment/Order dated 25.10.2019 passed by the learned District Judge –cum- 1st MACT, Kendrapara in MAC Case No.109/2013.

Ramesh Ch. Pradhan

::::

Appellant

-:: VERSUS ::-

Prakash Ch. Panda & Anr.

::::

Respondents

Appeared in this case by Video Conferencing Mode / Hybrid Mode.

For Appellant

**:::: Mr. G. Mohanty, Advocate
(for Appellant)**

For Respondent

**:::: Mr. S. Pradhan, Advocate
(for Respondent-Company)**

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PRESENT :

THE HON'BLE MR. JUSTICE B.P.SATAPATHY

Date of Hearing- 12.07.2022 :: Date of Order- 20.07.2022

B.P.Satapathy, J. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. G. Mohanty, learned counsel for the Appellant and Mr. S. Pradhan, learned counsel appearing for the Respondent-Company.

3. This appeal has been filed by the Appellant challenging the award passed by the learned District Judge –cum- 1st MACT, Kendrapara in MAC Case No.109/2013 vide order dtd.25.10.2019.

4. Mr. Mohanty, learned counsel appearing for the Appellant submitted that even though the Appellant-Claimant in support of his injury caused due to the accident by the offending vehicle produced all the relevant documents as well as the disability certificate vide Ext. 12, but learned Tribunal without proper appreciation of the same awarded compensation amount of Rs. 5,13,500/- (Rs. Five lakh thirteen thousand five hundred).

5. Mr. Mohanty further submitted that learned Tribunal while assessing the compensation towards the disability never consider the same in its proper perspective and the same should have been taken at 100%. Accordingly, Mr. Mohanty submitted that in view of the injury sustained by the Appellant and the nature of disability, the compensation awarded by the learned Tribunal be suitably enhanced.

6. Mr. Pradhan, learned counsel appearing for the Respondent-Company objected to such prayer of the Appellant and submitted that learned Tribunal has rightly assessed the compensation and no interference is called for by this Court.

7. Heard learned counsel appearing for the Parties. Perused the materials available on record. This Court after going through the same finds that even though the disability is of permanent nature and the Appellant is deprived from any earning in future, but learned Tribunal wrongly held the said disability at 50%.

8. As per the considered view of this Court the same should have been taken at 100%. In view of such material irregularity on the part of the learned Tribunal, this Court after going through the same when came to a finding that the Appellant-Claimant will be entitled to get further compensation amount of Rs. 4,00,000/- (Rs. Four lakhs) consolidated. Mr. Mohanty, learned counsel for the Appellant supported the said view of this Court. Mr. Pradhan, learned counsel appearing for the Respondent-Company left the same to the discretion of this Court.

9. In view of such stand taken by the learned counsel appearing for the Parties, this Court while disposing the appeal held the Appellant-Claimant entitled to get further compensation amount of Rs. 4,00,000/- (Rs. Four lakhs) consolidated. Accordingly, while holding so, this Court directs the Respondent-Company to deposit the aforesaid compensation amount of Rs. 4,00,000/- (Rs. Four lakhs) before the learned Tribunal within a period of eight (8) weeks from the date of receipt of this Order. On such deposit of the amount, learned Tribunal shall disburse the same in terms of its order dt.25.10.2019.

10. It is further observed that if the Respondent-Company will fail to deposit the amount within the time stipulated hereinabove, the

compensation amount of Rs. 4,00,000/- (Rs. Four lakhs) will carry interest @ 6% per annum for the period starting from the expiry of the period of eight (8) weeks till its payment.

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

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
The 20th July, 2022/Sneha

