

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.94 of 2019

From the Judgment / Order dated 06.08.2018 passed by the learned 3rd M.A.C.T., Jajpur in M.A.C Case No.34 of 2013.

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**National Insurance Company
Ltd.**

Appellant

-versus-

Ananda Jena & Others

Respondents

For Petitioner : M/s. G.Misra, A.Dash,
J.R.Deo and A.Khandal.

For Opp. Parties : M/s. P.K.Mishra and
K.C.Routray.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 24.06.2022 and Date of Order:30.06.2022

Biraja Prasanna Satapathy, J.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. G. Misra, learned Senior counsel for the Appellant-Company and Mr. P.K.Mishra, learned counsel for the Claimants-Respondent Nos.1 to 5.
3. This appeal has been filed by the Appellant-Company challenging the judgment dated 06.08.2018 passed in M.A.C Case No.34 of 2013 by the learned 3rd M.A.C.T., Jajpur.
4. It is submitted that vide the said judgment, learned

Tribunal while allowing the claim directed the Appellant-Company to pay compensation amount of Rs.38,65,635/- with interest payable @ 7.5 % per annum from the date of application till its payment.

5. Mr. Misra, learned Senior Counsel while assailing the judgment on various grounds confined his submission to the fact that the learned Tribunal while assessing the compensation has illegally assessed the medical expenses at Rs.3,81,954/-.

6. Mr. Misra also submitted that the rate of interest allowed @7.5 % is also on the higher side as the prevailing rate of interest at the relevant time cannot be taken as 7.5% per annum.

7. Mr. Misra further submitted that the learned Tribunal without looking to the nature of injury and the period of treatment undergone, awarded compensation of Rs.3,81,954/- towards medical expenses relying on the Exts.7 and Exts.7/14. Accordingly, Mr. Mishra prayed for interference of this Court with the award passed by the learned Tribunal in the impugned judgment dated 06.08.2018.

8. Mr. Mishra learned counsel for the Claimant-respondent though supported the award but fairly submitted that the grounds taken by the appellant regarding the award of Rs.3,81,954/- towards medical bill as has been assessed by the learned Tribunal can be considered by this Court. Considering such stand taken by the learned counsel for the Parties, when this Court came

to a finding that the claimants-respondents will be entitled to get compensation amounting to Rs.34,85,000/- with interest payable @ 6 % per annum payable from the date of application i.e. 20.03.2013 till its payment, Mr. P.K.Mishra, learned counsel for the Claimants- Respondents supported the said view of this Court.

9. Mr. G. Misra learned Senior Counsel left the said view to the discretion of this Court.

10. In view of such stand taken by the counsel appearing for both the Parties, this Court while interfering with the impugned judgment held the claimants entitled to get compensation amount of Rs.34,85,000/- with interest payable @ 6 % per annum from the date of application till its payment. This Court accordingly directs the Appellant-Company to deposit the aforesaid amount along with interest before the learned Tribunal within a period of eight weeks from the date of receipt of this order.

11. It is observed that on such deposit of the amount so indicated hereinabove, learned Tribunal shall disburse the same in favour of the claimants proportionately and in terms of the order passed on 06.08.2018.

12. It is however observed that if the appellant-company fails to deposit the amount within the time indicated by this Court, the compensation amount of Rs.34,85,000/- will carry interest @ 7 % per annum for the period starting from the expiry of the period eight weeks till its payment.

13. It is further observed that only after payment of the

entire amount, the appellant-company shall be permitted to take refund of the statutory deposit along with accrued interest from the Registry of this Court on proper identification.

14. With the aforesaid observations and directions the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 30th of June, 2022/Subrat

