

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No. 770 of 2016

Kadambini Mohanty & Others ***Appellants***

-versus-

Akshaya Kumar Das & Others ***Respondents***

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
23.03.2022

Order
No.

06. **1.** This matter is taken up through Hybrid mode.
- 2.** Heard learned counsel for the Appellants and learned counsel for the Respondents-Company.
- 3.** This appeal has been filed by the Claimants-Respondents seeking enhancement of the compensation awarded by the learned 3rd Addl. District Judge-cum-4th MACT, Cuttack vide its judgment dated 16.04.2016 in MAC Case No.678 of 2012/111 of 2015.

4. It is the submission of the learned counsel for the Appellants that vide the aforesaid judgment though the learned Tribunal assessed the compensation amount at Rs. 15,75,408/- along with interest @ 6% per annum w.e.f. 05.10.2012 till its realization, but while awarding such compensation, the learned Tribunal did not allow any compensation towards future prospects and towards cost of consortium.

5. Learned counsel for the Appellants in support of his case relied on the decision of the Hon'ble Apex Court in the case of **Smt. Sarla Verma and Others vs. Delhi Transport Corporation and Another** reported in **(2009) 43 OCR (SC) 349** and SLP (Civil) No.25590 of 2014 and batch disposed of on 31.10.2017. Accordingly, learned counsel for the Appellants prayed for enhancement of the compensation by awarding compensation towards future prospects and cost of consortium.

6. Mr. G.P. Dutta, learned counsel appearing for the Respondents-Company submitted that since the Claimants-Respondents have been suitably compensated, learned Tribunal has not committed any error in not allowing compensation towards future prospects and cost of consortium.

Accordingly, Mr. Dutta prayed for dismissal of the appeal.

7. Having heard learned counsel for the Parties and in view of the decision as cited (supra), I found that the learned Tribunal while assessing the compensation amount, in fact has not taken into consideration the future prospects of the deceased and no amount has been awarded towards cost of consortium.

8. Having heard learned counsel for the Parties and taking into account the rival stands, this Court when came to a conclusion that the Claimants-Respondents are eligible and entitled to get further consolidated sum of Rs.2,50,000/- towards future prospects and cost of consortium along with interest @ 6 % per annum on the aforesaid amount from the date of the filing of the present appeal i.e. 14.07.2016 till its payment, learned counsel appearing for the Appellants supported the aforesaid view of this Court.

9. Mr. Dutta, learned counsel appearing for the Respondents-Company left the same to the discretion of this Court.

10. In view of such stand taken by the learned counsel appearing for both the parties, I direct the

Respondents-Company to pay a further consolidated sum of Rs.2,50,000/- along with interest @ 6% per annum from 14.07.2016 till its payment. The aforesaid amount along with interest is to be paid by the Respondents-Company within a period of eight weeks from the date of receipt of the certified copy of this order.

11. With the aforesaid observation and direction, the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

