

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA NO.93 OF 2021

From the Judgment/Order dated 25.09.2020 passed by the learned 2nd Additional District Judge –cum- 6th MACT, Khurdha in MACT Case No.125/2016.

National Insurance Co. Ltd. :::: Appellant

-:: VERSUS ::-

Lala Babita Ray & Ors. :::: Respondents

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

**For Appellant :::: Mr. S.R. Pattnaik, Advocate
(for Appellant-Company)**

**For Respondent :::: Mr. B.K. Mohanty, Advocate
(for Claimants-Respondents)**

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PRESENT :

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

Date of Hearing- 28.06.2022:: Date of Order- 12.07.2022

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

2. Heard Mr. Sabita Ranjan Pattnaik, learned counsel appering for the Appellant-Company and Mr. Bijay Kumar Mohanty, learned counsel appearing for the Claimant-Respondents.

3. It is submitted by Mr. Mohanty that he has already entered appearance on behalf of Claimant-Respondent Nos.1 to 5 by filing Vakalatnama on 15.09.2021. Accordingly, Mr. Mohanty was heard on behalf of the Claimants-Respondents.

4. This appeal has been filed by the Appellant-Company challenging the Judgment dtd.25.09.2020 passed in MACT Case No.125/2016 by the learned 2nd Additional District Judge –cum- 6th MACT, Khurdha.

5. It is submitted that learned Tribunal without proper appreciation of the grounds raised by the Appellant-Company, held the Appellant liable to pay compensation amount of Rs. 14,11,250/- (Rs. Fourteen lakh eleven thousand two hundred fifty) along with interest @ 6% per annum payable from the date of application till its payment.

6. Mr. Pattnaik, learned counsel for the Appellant submitted that learned Tribunal while directing the Appellant to pay the compensation, illegally awarded a sum of Rs.2,00,000/- (Rs. Two lakh) towards loss of consortium and Rs.30,000/- (Rs. Thirty thousand) towards loss of estate and funeral expenses), though it should have been at Rs.70,000/- (Rs. Seventy thousand).

7. Mr. Pattnaiak further submitted that taking into account the age of the deceased, learned Tribunal should not have applied

multiplier 14 and it should have been multiplier 13. Making all such submissions, Mr. Pattnaik prayed for interference of this Court in the impugned Judgment.

8. Mr. Mohanty, learned counsel appearing for the Claimants-Respondents though supported the compensation so awarded vide the impugned Judgment, but failed to counter the submission made by the learned counsel appearing for the Appellant with regard to award of compensation towards loss of consortium and loss of estate as well as funeral expenses.

9. Heard learned counsel for the Parties. Perused the materials available on record. This Court after going through the same, when came to a conclusion that the Claimants-Respondents will be entitled to get compensation amount of Rs.12,50,000/- (Rs. Twelve lakh fifty thousand) by keeping the rate of interest intact, Mr. Mohanty, learned counsel appearing for the Claimants supported the said view of this Court. Mr. Pattnaik, learned counsel for the Appellant left the same to the discretion of this Court.

10. In view of such stand taken by the Parties, this Court while interfering with the impugned Judgment, held the Claimants-Respondents entitled to get compensation amount of Rs.12,50,000/- (Rs. Twelve lakh fifty thousand) along with interest so awarded by the learned Tribunal. This Court accordingly directs the Appellant-Company to deposit the aforesaid compensation amount of Rs.12,50,000/- (Rs. Twelve lakh fifty thousand) along with interest so awarded by the learned

Tribunal within a period of eight (8) weeks from the date of receipt of this order.

11. It is observed that on such deposit of the amount, learned Tribunal shall do well to disburse the same in favour of the Claimants-Respondents in terms of its earlier order passed on 25.09.2020. However, it is observed that if the Appellant-Company will fail to deposit the aforesaid compensation amount within the time indicated hereinabove, the Claimants-Respondents will be entitled to get interest @ 7% per annum on the compensation amount of Rs.12,50,000/- (Rs. Twelve lakh fifty thousand) for the period starting from the expiry of the period of eight (8) weeks till its payment.

12. It is further observed that only after deposit of the entire amount along with interest before the learned Tribunal as directed hereinabove, 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.

13. This appeal is accordingly disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
The 12th July, 2022/Sneha