

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.478 of 2017

From the Judgment / Order dated 28.01.2017 passed by the learned Additional District Judge-cum-4th M.A.C.T., Keonjhar in M.A.C Case No.88/27 of 2016-14.

.....

Manager Cholamandalam MS
G.I.Co., Ltd.

Appellant

-versus-

Bidyadhar Pattnaik &
Another

Respondents

For Petitioner : M/s. Adam Ali Khan, R.Pati,
S.K.Mishra, Sai Ganesh and
S.K.Sahoo.

For Opp. Parties : M/s. S.R.Pati, A.K.Parida
and S.S.Mishra.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 11.04.2022 and Date of Order: 20.04.2022

Biraja Prasanna Satapathy, J.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. A. A. Khan, learned counsel for the Appellant and Mr. A.K. Parida, learned counsel for the Claimants-Respondents.
- 3.** This appeal has been filed by the Appellant-Company challenging the quantum of compensation passed vide judgment dated 28.01.2017 in M.A.C Case No.88 / 27 of 2016-14 by the learned Additional District Judge-cum-4th M.A.C.T, Keonjhar.

4. It is submitted by Mr. Khan, learned counsel for the Appellant that in absence of any document submitted towards expenditure incurred by the Appellant for purchase of medicine, learned Tribunal illegally assessed the compensation towards such expenses at Rs.3,24,835/-.

5. Accordingly, Mr. Khan, learned counsel for the Appellant-Company prayed for interference of this Court with regard to such award of compensation towards purchase of medicines.

6. Mr. Parida, learned counsel for the Claimant-Respondent on the other hand submitted that the original claimant filed various documents in support of his expenditure towards medicine vide Ext.10-Series and learned Tribunal after going through the same rightly assessed the compensation towards medicine at Rs.3,24,835/-. The said stand of the Appellant-Company is also taken care of by the learned Tribunal. Learned Tribunal while deciding Issue No.II held that the Claimant towards his medical expenses has filed documents duly exhibited under Ext.10-Series.

7. Having heard learned counsel for the Parties and in view of the stand taken by the Appellant in the present appeal, this Court when came to a conclusion to grant compensation of Rs.4,00,000/- with interest @ 6% per annum from the date of the filing of the application i.e. from 20.01.2014 till its payment, Mr. Parida learned counsel appearing for the Claimant supported the said view of this Court.

8. Mr. Khan, learned counsel appearing for the

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

9. In view of such stand taken by the learned counsel appearing for the parties, this Court while interfering with the impugned judgment directs the appellant to pay compensation of Rs.4,00,000/- with interest @ 6 % per annum from the date of filing of the application i.e. from 20.01.2014 till its payment within a period of eight weeks from today.

10. It is observed that only after payment of the compensation along with interest so assessed by this Court, the Appellant will be permitted to take refund of the statutory deposit with accrued interest from the Registry of this Court on proper identification.

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

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 20th of April, 2022/Subrat