

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.112 of 2022

The Manager, T.P. Hub, United Appellant
India Insurance Co. Ltd.

-versus-

Pratima Rout & Ors. Respondents

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
23.06.2022

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. P.K. Mohanty, learned counsel appearing for the Appellant-Company and Mr. P.K. Mishra, learned counsel appearing on behalf of Claimant-Respondent Nos. 1 to 3.
3. This appeal has been filed by the Appellant-Company challenging the Judgment dtd.11.11.2021 passed in MAC Case No. 728 of 2018 by the learned 1st Addl. District Judge –Cum- 1st MACT, Cuttack.
4. Mr. Mohanty, learned counsel for the Appellant submitted that learned Tribunal without proper appreciation of the grounds taken by the Appellant-Company assessed the compensation at a higher rate. Though various grounds have been taken in the memo of appeal, Mr. Mohanty, learned counsel for the Appellant confined his argument to the grounds taken in Ground No. 3.

5. It is submitted that in support of the injury and treatment of the deceased no document was produced or exhibited by the Claimants and in absence of such documents learned Tribunal should not have assessed the compensation amount at Rs.41,39,244/- (Rs. Forty one lakh thirty nine thousand two hundred forty four). Accordingly Mr. Mohanty prayed for interference of this Court with regard to the said award amount.

6. Mr. Mishra, learned counsel appearing for the Claimants-Respondents when confronted with the said stand of the Appellant, he also failed to apprise this Court with regard to the production of any document in support of injury and treatment of the deceased.

7. Heard learned counsel for the Parties at length. Perused the materials available on record. Having heard learned counsel appearing for the Parties, this Court when came to a conclusion that the compensation has been awarded at a higher side and the Claimants-Respondents will be entitled to get compensation amount of Rs.35,00,000/- (Rs. Thirty five lakhs) by keeping the rate of interest so allowed by the Tribunal as intact, Mr. Mishra, learned counsel appearing for the Claimants-Respondent Nos.1 to 3 supported the said view of this Court. Mr. Mohanty, learned counsel appearing for the Appellant-Company left the said view to the discretion of this Court.

8. In view of such stand taken by the learned counsel appearing for both the Parties, this Court while interfering with the impugned Judgment held that the Claimants-Respondents will be entitled to get compensation amount of Rs.35,00,000/- (Rs. Thirty five lakh) along with interest so awarded by the learned Tribunal in its Judgment dtd.11.11.2021. This Court accordingly directs the

Appellant-Company to deposit the aforesaid compensation amount of Rs.35,00,000/- (Rs. Thirty five lakhs) along with the interest so awarded by the learned Tribunal within a period of eight (8) weeks from the date of receipt of this Order.

10. It is observed that on such deposit of the amount so assessed by this Court, learned Tribunal shall disburse the same in favour of the Claimants-Respondents proportionately and in terms of the order passed on 11.11.2021. It is further observed that if the Appellant-Company will fail to deposit the amount as directed hereinabove within the stipulated period, the Claimants-Respondents will be entitled to get interest @ 7% per annum for the period starting from the expiry of the period of 8(eight) weeks till its payment.

11. It is also observed that only after deposit of 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 thereon from the Registry of this Court.

12. The appeal is disposed of in terms of the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha