

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.33 OF 2015

From the Judgment/Order dated 15.7.014 passed by the learned IIIrd M.A.C.T., Balasore in M.A.C. Case No.40/233 of 2012/2010.

**Kuanar Soren &
Another**

.....
...

Appellants

-versus-

**Sri Nimai Charan Giri
& Others**

...

Respondents

For Appellants:

M/s. B. Singh, Advocate

For Respondents

: M/s. A.A. Khan, Advocate
(for Respondent No.2)
M/s. G.P. Dutta, Advocate
(for Respondent No.4)

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

ବିରାଜା ପ୍ରସାନ୍ନା ସାତପଥୀ

Date of Hearing: 05.05.2022 & Date of Order: 17.5.2022

Biraja Prasanna Satapathy, J.

1. At the outset, Mr. G.P. Dutta, learned counsel filed power in respect of Respondent No.4. The same be placed on record.
2. This matter is taken up by video conferencing mode.

3. Heard Mr. B. Singh, learned counsel for the appellants, Mr. A. A. Khan, learned counsel appearing on behalf of only Respondent No.2 and Mr. G.P. Dutta, learned counsel who entered appearance today on behalf of Respondent No.4.

4. This appeal has been filed by the appellants challenging the judgment dated 15.7.2014 passed by the IIIrd M.A.C.T, Balasore in M.A.C. Case No.40/233 of 2012/2010.

5. It is the submission of the learned counsel for the appellants that learned Tribunal without proper appreciation of the materials available on record and the points raised by the appellants allowed lesser compensation and the appellants are otherwise eligible to get higher compensation. Accordingly, Mr. Singh, learned counsel appearing for the appellants prayed for enhancement of the compensation suitably by this court. It is also submitted by Mr. Singh, learned counsel for the appellants that same claim raised by the appellants in MACA No.32 of 2015, was disposed of by this Court vide order dated 8.8.2016 by

enhancing the compensation amount by another Rs.1,00,000/- consolidated.

6. Mr. Khan as well as Mr. Dutta, learned counsel appearing for the Respondent Nos.2 & 4-company did not dispute the stand taken by the learned counsel for the appellants with regard to enhancement of the compensation by another Rs.1,00,000/- consolidated in MACA No.32 of 2015 which also arises out of the same accident.

7. Having heard learned counsel for the parties and in view of the submission made by learned counsel for Respondent Nos.2 & 4 as well as the order passed by this Court on 8.8.2016 in MACA No.32 of 2015, this Court while interfering with the matter held that the appellants are entitled to get further compensation amount of Rs.1,00,000/- consolidated. Accordingly, this Court directs Respondent Nos.2 & 4 to pay the aforesaid consolidated amount of Rs.1,00,000/- in equal share with liberty granted to Respondent No.4 to recover its share from the owner-Respondent No.3 as has been observed by the learned Tribunal in the impugned judgment. Both Respondent Nos.2 & 4 are directed to deposit the consolidated compensation amount of Rs.1,00,000/-in equal share

before the learned Tribunal within a period of eight weeks from the date of receipt of this order.

8. The appeal is accordingly disposed of with the aforesaid observation and direction.

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B.P. Satapathy, J.

Orissa High Court, Cuttack
Dated the 17th May, 2022/

