

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.166 of 2020

Sagar Birua

....

Appellant

Mr. B.C. Patra, Advocate

-versus-

Bhagyabati Das and another

....

Respondents

Mr. S.K. Samantaray, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
09.09.2022

Order No.

05.

1. Heard Mr. B.C. Patra, learned counsel for the Appellant-claimant as well as Mr. S.K. Samantaray, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimant is directed against the judgment dated 19.10.2019 of learned 1st M.A.C.T., Cuttack in M.A.C. Case No.981 of 2014 wherein compensation to the tune of Rs.8,76,400/- has been granted along with simple interest @6% per annum to him from the date of filing of the claim application, i.e.26.12.2014 on account of death of the deceased in the motor vehicular accident dated 04.12.2014.

3. It is the consistent case of the claimant that the deceased was working as a helper to the mason. In other words, the deceased was working as a daily labourer. But the learned Tribunal without disputing the same held her monthly income at Rs.4000/- against

the prescribed minimum rate of daily wages. As per Notification No.1942, dated 6.10.2012 of the Labour and ESI Department, Govt. of Odisha, the rate of daily wages prescribed for an unskilled labourer per day was Rs.150/-. Accordingly, the monthly income of the deceased is modified to Rs.4500/- per month instead of Rs.4000/- as taken by the learned Tribunal. Adding 40% thereto, it comes to Rs.6,300/- and applying multiplier '18', since the age of the deceased is not disputed, the total loss of income comes to Rs.13,60,800/- and deducting 1/3rd there-from, the total loss of dependency comes to Rs.9,07,200/-. Adding Rs.40,000/- towards spousal consortium and Rs.30,000/- towards general damages, it comes to Rs.9,77,200/-. The same is payable with interest @6%.

4. Since no dispute is raised with regard to liability of the insurer, Respondent No.2-United India Insurance Co. Ltd. has to indemnify the same.

5. At this stage, it is submitted that the claimant has already realized the amount as directed by the Tribunal. Accordingly, the differential amount, i.e., Rs.1,00,800/- is to be deposited along with interest @6% per annum from the date of filing of the claim application, i.e. 26.12.2014 before the Tribunal by Respondent No.2 within a period of two months from today, which shall be disbursed to the claimant.

6. With aforesaid observation and direction, the MACA is disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

