

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.412 of 2015

Sanjukta Swain and others

Appellants
....
Mr.S.B.Das, Advocate

-versus-

Purna Chandra Samanta and others

Respondents

Ms.S.Das, Advocate for Respondent No.4
Ms.B.Khadnga, Advocate for Respondent No.5
Mr.M.Ghosh, Advocate for Respondent No.6

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
21.09.2022

Order No.

12.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Das, learned counsel for the claimants and Ms.S.Das on behalf of Mr.P.K.Mohanty, learned counsel for Respondent No.4, Ms.Khadnga on behalf of Mr.S.Satpathy, learned counsel for Respondent No.5 and Mr.Ghosh, learned counsel for Respondent No.6.
3. Present appeal by the Insurer is directed against the judgment dated 22nd September, 2014 passed by learned 2nd Addl. District Judge-cum-MACT, Cuttack in MAC Case No.364 of 1997, wherein compensation to the tune of Rs.2,50,000/- has been granted along with interest @ 6% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 11th September, 1996.

4. The main contention of challenge is concerning quantum of compensation. It is submitted that the Tribunal has failed to add future prospects to the income of the deceased and further, lesser amount has been granted towards consortium and general damages.

5. Upon hearing both parties and considering the grounds of challenge advanced, and admitted in-addition of future prospects to the income of the deceased as well as grant of Rs.10,000/- only towards consortium and general damages, a further consolidated compensation of Rs.4,00,000/- (four lakhs) is proposed to the parties in course of hearing. This is agreed by Mr.Das, learned counsel for the claimants-Appellants. Ms.Das, learned counsel for Respondent No.4-Oriental Insurance Co. Ltd., Ms.B.Khadnga, learned counsel for Respondent No.5-United India Co. Ltd. and Mr.M.Ghosh, learned counsel for Respondent No.6-New India Assurance Co. Ltd. leave it to the discretion of the Court. As such, the amount is fixed to that extent.

6. The Insurance Companies Viz. Respondent Nos.4, 5 & 6 respectively are directed to deposit further consolidated compensation of Rs.4,00,000/- (four lakhs) in equal share before the Tribunal within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

7. With aforesaid modification in the compensation amount, the appeal is disposed of.

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

(B.P. Routray)
Judge

C.R.Biswal

