

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.538 of 2018

**Nikunja Mohan Mohapatra &
Anr.**

Appellants

-versus-

Nirmal Chandra Roy & Ors.

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
23.02.2022**

Order No

07. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the appellants and learned counsel appearing for respondent Nos. 2 and 3.

3. This appeal has been filed by the appellants seeking enhancement of the compensation amount awarded in their favour by the learned 1st Additional District Judge –cum- 1st M.A.C.T., Cuttack in MAC No.140 of 2008 vide judgment dated 12.02.2018.

4. Learned Tribunal vide the said judgment has allowed the compensation amount of Rs.3,43,523/- with simple interest @ 6% per annum with effect from date of filing of the application i.e. 11.03.2008 till the date of payment in favour of the claimants/appellants.

5. It is the case of the appellants that learned Tribunal without taking into account the claim made by the appellants and

without following the cited decisions, awarded compensation of Rs.3,43,523/- only.

6. It is also submitted by the learned counsel for the appellants that learned Tribunal has not calculated the entitlement towards loss of income in its proper prospective while passing the award. Accordingly, learned counsel for the appellant vehemently argued for enhancement of the compensation.

7. Taking into account the grounds taken in the appeal and after hearing the learned counsel for the parties, I deem it fit and proper to enhance the compensation and direct the respondent-company to pay a further consolidated amount of Rs.3,00,000/- towards full and final settlement of the claim of the appellants.

8. Respondent-company is directed to pay the aforesaid consolidated amount of Rs.3,00,000/- within eight weeks from the date of order.

9. It is also directed that since appellant No.1 during pendency of the appeal died on 13.03.2020 and his legal heir is already on record as per the Memo filed by the counsel for the appellant today in Court, the entire amount of Rs.3,00,000/- as directed above be disbursed in favour of the appellant No.2 within the aforesaid period.

10. The Memo dated 23.03.2022 filed by the appellant be kept on record.

11. With the aforesaid observation and direction, the appeal is disposed of.

(Biraja Prasanna Satapathy)
Judge