

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.110 of 2014

Authorized Officer, SOUTHCO and another ***Appellants***

Mr. D.K. Mohanty, Advocate

-versus-

Smt. P. Sarada and others ***Respondents***

Mr. B.K. Behera, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
21.04.2022

Order No.

06.

1. Though this matter was listed under the heading “For Orders”, but on the consent of both the parties, the same is taken up for final disposal.

2. Heard Mr. D.K. Mohanty, learned counsel for the Appellant as well as Mr. B.K. Behera, learned counsel for the Respondent No.1.

3. The suit was for compensation upon death of the deceased due to electrocution. It was decreed in favour of the Plaintiffs granting compensation of Rs.2,50,000/- along with interest @6% per annum from the date of filing of the suit. The Plaintiffs filed RFA No.65 of 2012 before the learned District Judge, Ganjam, Berhampur praying for enhancement of the amount of compensation, which was allowed and the compensation amount was enhanced to further sum of Rs.2,00,000/- which was directed to be paid along with 6% interest from the date of filing of the suit.

4. Aggrieved with such enhancement of the amount in RFA, the present appeal has been preferred by the SOUTHCO-Appellant.

5. Upon hearing both the parties, it reveals that the main contention is with regard to the challenge is that the Plaintiffs have not produced any material in support of income of the deceased.

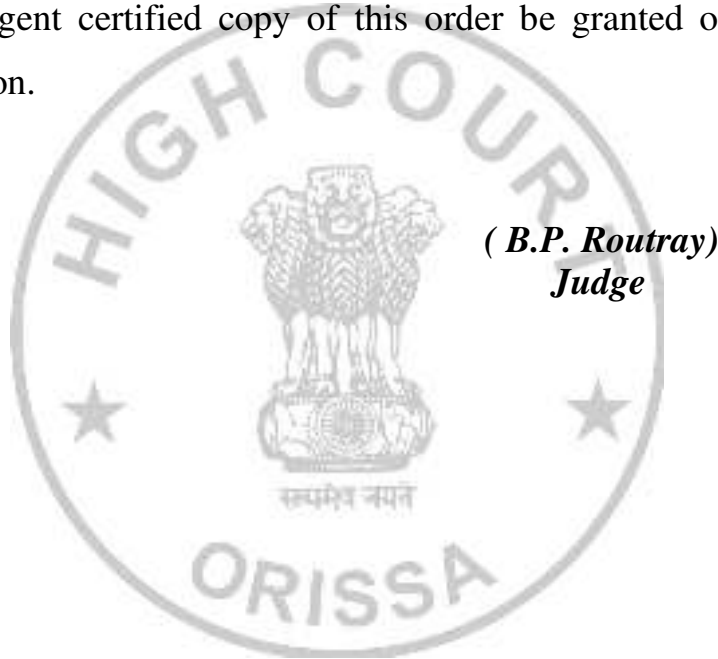
6. As seen from the records, the admitted claim of the Plaintiffs is that the deceased was a milk man by avocation and he was aged about 28 years on the date of his death. The widow of the deceased, who is Plaintiff No.1, was examined as P.W.1 and stated in her evidence substantiating the income of the deceased as a milk man. Though the Defendant (present Appellant) examined three witnesses on their behalf, but nothing is elicited from their evidence to discredit the income aspect of the deceased as stated by P.W.1 in her evidence. Otherwise also the contention of the Appellant that no document was produced in respect of the income of the deceased is unconceivable for the reason that a milk man having income of Rs.1500/- per month could hardly be expected to keep any document in support of his income.

7. Since the challenge is only on the question of quantum of compensation that has been enhanced by the learned District Judge, Ganjam, Berhampur, grant of interest on the enhanced amount cannot be said to be unjustified. However, considering the submissions, the only interest part is modified to the extent

that the same would be payable from the date of judgment of the First Appellate Court, i.e.16.11.2013 instead of the date of filing of the suit.

8. Subject to aforesaid modification in the direction of learned District Judge, Ganjam, Berhampur passed in RFA No.65 of 2012, the present appeal is disposed of by confirming the same, except the date of interest payable.

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



B.K. Barik