

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.382 of 2020

And

MACA No.758 of 2020

MACA No.382 of 2020

M/s.New India Assurance Company Ltd. ***Appellant***

Mr.B.C.Singh Advocate

-versus-

Kanchan Sandha and others ***Respondents***
Mr.Kalpataru Panigrahi, Advocate
for Respondent Nos.1 to 5

And

MACA No.758 of 2020

Kanchan Sandha and others ***Appellants***
Mr.Kalpataru Panigrahi, Advocate

-versus-

Janardan Rout and another ***Respondents***
Mr.B.C.Singh, Advocate for Respondent No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
22.04.2022

Order No.

6.

1. Heard Mr.Singh, learned counsel for the Insurer and
Mr.Panigrahi, learned counsel for the claimants.

2. The defect pointed out by the office in MACA No.758 of 2020 is ignored as Appellant No.5 was a minor aged about 16 years at the time of filing of the appeal as per the submission of Mr.Panigrahi, learned counsel for the claimants.

3. Both the appeals are directed against the common judgment dated 29th January, 2020 of the Second Motor Accident Claims Tribunal, Cuttack in Misc.Case No.265 of 1995, wherein compensation to the tune of Rs.1,96,000/- along with interest @6% per annum has been granted from the date of filing of the application i.e., 19th April, 1995 on account of death of the deceased in the motor vehicular accident dated 1st January, 1995.

4. MACA No.382 of 2020 has been preferred by the Insurer challenging the compensation amount and MACA No.758 of 2020 has been filed by the claimants praying for enhancement. In other words, the challenges by both parties are with regard to quantum of compensation only.

5. Upon hearing both parties and considering the grounds of challenge as advanced by respective parties, I do not find any merit in the appeals of either party to interfere with the awarded amount since the prescribed daily wage rate prevailing on the date

of accident has been accounted for computing the compensation amount and all such principles decided in the case of National Insurance Company Ltd. vrs. Pranay Sethi and others, (2017)16 SCC 680 has been applied to arrive at the final amount. As such, both the appeals are dismissed confirming the amount of compensation granted by the Tribunal.

6. The statutory deposit made by the Appellant in MACA No.382 of 2020 with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

(B.P. Routray)
Judge