

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.400 of 2016

Mamatarani Jena and Others ***Appellants***

Mr. Satyabhusana Das, Advocate

-versus-

Hare Krushna Biswal and Another ***Respondents***

Mr. B. Dasmohapatra, counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
18.11.2022

Order No.

05. 1. The matter is taken up through hybrid mode.
2. Heard Mr. S.B. Das, learned counsel for the claimant - Appellants and Mr. B. Dasmohapatra, learned counsel for the insurer – Respondent No.2.
3. Present appeal by the claimants is against the impugned judgment dated 21st January, 2016 of the learned 1st MACT, Cuttack passed in MAC No.995 of 2000 wherein compensation to the tune of Rs.3,20,752/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 6th September, 2000 has been granted on account of death of deceased Nimain Charan Jena in the motor vehicular accident dated 21st July, 2000.
4. Mr. Das submits that the tribunal did not grant any amount towards loss of consortium and further, Rs.10,000/- only was granted for funeral expenses.
5. Upon hearing both parties and considering the grounds of challenge including grant of consortium as well as general damages in

terms of the settled principles of law, a further consolidated sum of Rs.3,00,000/- is proposed to the parties. This is agreed by Mr. Das, learned counsel for the claimant – Appellants and Mr. Dasmohapatra, learned counsel for the insurer leaves it to the discretion of the court. Accordingly, the compensation amount is fixed to the said extent.

6. In the result the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit a further consolidated sum of Rs.3,00,000/- (three lakhs) before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Appellants on such terms and proportion to be decided by the learned tribunal.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

