

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.784 of 2018

**Divisional Manager, Oriental
Insurance Co. Ltd.**

Appellant

Subrat Satpathy, Advocate

-versus-

Puspanjali Pattnaik & Others

Respondents

Mr. D. Patnaik, Advocate (for
Respondent Nos. 1,2 & 3)

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.02.2022

Order No

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

2. Heard learned counsel for the appellant-company and learned counsel for the claimants-respondents.

3. The present appeal has been filed by the appellant-company challenging the judgment dated 17.3.2018 passed by the learned District Judge-cum-1st M.A.C.T, Jatagtsinghpur in MAC Case No.110 of 2013(279/2015).

4. As revealed from the impugned judgment, learned Tribunal while allowing the claim of the claimant-respondents has directed for payment of compensation of Rs.7,72,000/- along with interest @7.5% per annum from the date of filing of the petition i.e. 17.5.2013 till its realization.

While assailing the judgment passed by the learned Tribunal, the appellant-company has taken various grounds in the present appeal.

5. It was vehemently argued by the learned counsel for the appellant that because of the wrong committed by the learned Tribunal with regard to holding the age of the deceased, basing on the post-mortem report, the amount of compensation was

calculated at Rs.7,72,000/-. It was further argued that in the Voter Identity Card, the age of the deceased was 45 years and if the said age would have been taken into consideration, the amount of compensation should not have been assessed at Rs.7,72,000/-.

6. I find force in the aforesaid submission of the learned counsel for the appellant-company.

7. Be that as it may, since the learned Tribunal has not taken into consideration the age of the deceased in its proper perspective, I deem it fit and proper to reduce the compensation from Rs.7,72,000/- to Rs.6,50,000/- and the rate of interest from 7.5% to 6%. Learned counsel for both the parties also agree to the same.

8. I further held that the claimants respondents will be entitled to get the aforesaid compensation amount of Rs.6,50,000/- along with interest @6% per annum from the date of filing of the petition i.e. 17.5.2013 till its realization/payment. I further direct that the appellant-company shall pay the aforesaid compensation amount of Rs. 6,50,000/- along with interest @6% per annum to the claimants-respondents within a period of eight weeks from today proportionately in terms of the award passed by the learned Tribunal.

9. It is further observed that only after payment of the aforesaid compensation amount of Rs.6,50,000/- with interest, the statutory deposit made by the appellant-company before the Registry of this Court will be returned with the accrued interest thereon.

10. With the aforesaid observation and direction, the MACA is disposed of.

(Biraja Prasanna Satapathy)
Judge