

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.852 of 2011

Kasaria Bandhu and Others ***Appellants***

Mr. Ramesh Chandra Pradhan, Advocate

-versus-

S. Srinivas Rao and Another ***Respondents***

Mr. S.K. Mohanty, counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
02.12.2022

Order No.

- 08.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. R.C. Pradhan, learned counsel for the claimant - Appellants and Mr. S.K. Mohanty, learned counsel for the insurer – Respondent No.2.
 3. Present appeal by the claimants is against the impugned judgment dated 20th August, 2011 of the learned 3rd MACT, Rayagada passed in MAC No.46 of 2010, wherein compensation to the tune of Rs.1,97,000/- along with interest @ 7% per annum from the date of filing of the claim application has been granted on account of death of deceased Kasaria Chuchai in the motor vehicular accident dated 17th November, 2010.
 4. It is seen that the tribunal has accepted the income of the deceased as a labourer but strangely deducted 50% out of his income saying that he might be a seasonal labourer. This assumptive deduction taken by the tribunal from the income of the deceased is not found justified in absence of any specific material and particularly in

absence of any evidence adduced from the side of the insurer. Thus the claimants are found entitled for higher amount of compensation than awarded by the tribunal and moreover, the tribunal has not added any future prospects to the income of the deceased and further has granted negligible amount towards funeral expenses and consortium.

5. Considering all such aspects, the insurer – Appellant is found entitled for a further sum of Rs.3,00,000/- along with interest @ 6% per annum keeping in view the date of accident on 17th November, 2010.

6. At this stage it is submitted on behalf of the claimants that they have already received the amount directed by the tribunal.

7. In the result the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit a further compensation of Rs.3,00,000/- (three lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, 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.

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

(B.P. Routray)
Judge