

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.213 of 2021 & MACA No.115 of 2021

MACA No.213 of 2021

Divisional Manager,

M/s.National Insurance Co. Ltd..

....

Appellant

Mr.B.Dasmohapatra, Advocate

-versus-

Charulata Swain and others

....

Respondents

Mr.K.K.Das, Advocate for Respondent Nos.1 to 4

AND

MACA No.115 of 2021

Charulata Swain and others

....

Appellant

Mr.K.K.Das, Advocate

-versus-

Fazal Ahmed and another

....

Respondents

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

29.09.2022

Order No.

8.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Dasmohapatra, learned counsel for the Insurer and Mr.Das, learned counsel for the claimants.
3. Both the appeals arise out of the same judgment dated 11th September, 2020 passed by the learned 1st Addl. District

Judge-cum-1st M.A.C.T., Cuttack in M.A.C. Case No.587 of 2016, wherein compensation to tune of Rs.8,57,500/- along with interest @6% per annum has been granted from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 13th July, 2016.

4. MACA No.213 of 2021 has been preferred by the Insurer challenging the compensation amount and MACA No.115 of 2021 has been filed praying for enhancement of the compensation amount.

5. The main challenge by both parties is on the quantum of compensation. The insurer disputes the age of the deceased by stating that he was 57 years on the date of accident. In this regard a copy of the voter ID card of the deceased filed by the Insurer before this Court was taken on record by order dated 25th August, 2022 and the claimants were directed to submit response on the same.

6. Mr.Das, learned counsel for the claimants submits today upon instructions that, the age of the deceased may be accepted as 57 years and he has no objection in that regard. It is further contended by Mr.Das that the income of the deceased may

be computed at Rs.6,000/- per month keeping in view the minimum rate of wages prevalent on the date of accident.

7. Upon hearing both parties and taking the age of the deceased as 57 years on the date of death and his income at Rs.6,000/- per month in terms of the prescribed rate of minimum wages prevalent on the date of accident and further adding consortium of Rs.40,000/- each to the wife and son, the total compensation amount is determined at Rs.6,44,600/-, payable along with interest @6% per annum.

8. In the result, both the appeals are disposed of with a direction to the Insurer to deposit the compensation amount of Rs.6,44,600/- (six lakhs forty four thousand six hundred) 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 claimants on such terms and proportion to be fixed by the Tribunal.

9. The statutory amount deposited by the Insurer in MACA No.213 of 2021 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.

10. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

