

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.555 of 2020

***M/s. National Insurance Company Ltd.
represented through its Manager-cum-
Officer-in-Charge and Constituted
attorney Legal Cell, Cuttack*** ***Appellant***

Mr. Bibhuti Bhusana Mishra, Advocate

-versus-

Indira Padhy and Others ***Respondents***

Mr. Ananta Narayan Pattanayak, counsel for Respondent No.1

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
21.10.2022**

Order No.

05. 1. The matter is taken up through hybrid mode.
2. Heard Mr. B.B. Mishra, learned counsel for the insurer-Appellant and Mr. A.N. Pattanayak, learned counsel for claimant – Respondent No.1.
3. Present appeal by the insurer is directed against the impugned judgment dated 9th August, 2019 of the learned 4th MACT, Bhubaneswar passed in MAC No.327 of 2007 wherein compensation of Rs.20,88,940/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 25th August, 2007 has been awarded on account of death of the deceased in the motor vehicular accident dated 25th November, 2006.
4. The entire challenge of the insurer is relating to the quantum of compensation.

5. Upon hearing both parties and considering all such grounds of challenge advanced on behalf of the Appellant, it is seen that the Tribunal has assessed income of the deceased at Rs.20,428/- per month, which is on pay and DA only. Therefore, no ground is seen to reduce the amount of monthly income from Rs.20,428/-. However, after deducting the statutory tax components towards professional tax and income tax, at the applicable rate on the date of accident, the annual income is derived at Rs.2,14,500/-. Adding 15% future prospects thereto and applying multiplier '11' and further adding Rs.1,50,000/- towards general damages and consortium to the claimants, with deduction of 1/3rd towards personal expenses from the income, the total compensation is determined as Rs.19,58,950, rounded to Rs.19,60,000/- which is payable along with interest @ 6% per annum.

6. In the result, the appeal is disposed of with a direction to the insurer - Appellant to deposit the reduced compensation amount of Rs.19,60,000/- (nineteen lakhs sixty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 25th August, 2007, within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Respondents on such terms and proportion to be decided by the learned tribunal.

7. The statutory deposit made by the insurer - Appellant before this court along with accrued interest be refunded to the Appellant on proper application and on production of proof of deposit of the awarded amount before the tribunal.

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

(B.P. Routray)
Judge

M.K.Panda

