

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.880 of 2018

Damodar Prusty and Others ***Appellants***

Mr. A.K. Otta, Advocate

-versus-

Prabhu Yadav and Another ***Respondents***

Ms. Mitali Jesthi, Counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
27.7.2022

Order No.

- 08.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. A.K. Otta, learned counsel for the Appellant - claimants and Ms. M. Jesthi, learned counsel for insurer – Respondent No.2.
 3. Present appeal by the claimants is directed against impugned judgment dated 18th January, 2017 of learned 1st MACT, Cuttack passed in MAC Case No.178 of 2014 wherein compensation to the tune of Rs.6,04,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 11th March, 2014 has been granted on account of death of the deceased in the motor vehicular accident dated 10th January, 2014.
 4. Mr. Otta while advancing his argument submits that the deceased is a house-wife and as such while granting compensation, 25% should be added to her income as future prospects considering

her age and further 25% should also be added as additional gratuitous income in-terms of the decision rendered by Hon'ble Supreme Court in the case of *Kirti and Another v. Oriental Insurance Company Ltd., (2021) 2 SCC 166*.

5. Upon hearing Ms. Jesthi, learned counsel for the insurer – Respondent No.2 and considering the challenges advanced by the counsel for the claimant – Appellant and the principles decided in the case of *Kirti and Another* (supra), an enhanced compensation of Rs.8,75,000/- along with interest @ 6% is proposed to the parties. This is agreed by Mr. Otta, learned counsel for the claimant – Appellant and Ms. Jesthi, learned counsel for the insurer leaves it to the discretion of the Court. As such the 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 the total compensation amount of Rs.8,75,000/- (eight lakh seventy-five thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 11th March, 2014 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