

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.22 of 2015

**M/s- Oriental Insurance Co.
Ltd.**

Appellant

-versus-

Suryamani Nayak & Ors.

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
21.03.2022**

Order No

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

2. Heard Mr. Sidheswar Mallick, learned counsel for the Appellant-Company and Mr. G.K. Nayak, learned counsel appearing for Claimants-Respondents.

3. This Appeal has been filed by the Appellant-Company challenging the judgment dated 14.11.2014 passed in MAC Case No.343 of 2014 by the learned 8th M.A.C.T., Aska, Ganjam.

4. Vide the said judgment, learned Tribunal after hearing the Parties and after going through the documents allowed the claim by directing the Appellant-Company to pay compensation amount of Rs.2,94,500/- (Rupees two lakh

ninty four thousand five hundred) along with interest @ 5% per annum i.e. 05.09.2007 till its realization.

5. Mr. Mallick, learned counsel appearing for the Appellant-Company though argued that learned Tribunal while passing he award has not taken into consideration the income of the deceased in its proper perspective, but after going through the judgment, I found that in absence of any proof of income, learned Tribunal held the monthly income of deceased @ Rs.2,500/- (Rupees Two thousand five hundred) per month and made the calculation accordingly. On being confronted with the same, Mr. Mallick fail to make any further submission.

7. Mr. Nayak appearing for the Claimant-Respondents while supporting the judgment prayed for dismissal of the Appeal.

8. Having heard learned counsel for the Parties and without interfering with the impugned judgment, this Court when made a proposal to pay the compensation of Rs.2,80,000/- by keeping the interest allowed by the learned Tribunal intact, learned counsel appearing for the Claimants-Respondents supported the said view of the court.

9. Learned counsel appearing for the Appellant-Company left the aforesaid view to the discretion of the Court.

10. Accordingly, while disposing the Appeal, I direct the Appellant-Company to pay compensation amount of

Rs.2,80,000/- along with interest @ 6% per annum from the date of filing of the claim application i.e. 05.09.2007 till its realization within a period of 8 weeks from today.

11. It is observed that only after payment of the aforesaid compensation amount so determined by this Court along with interest, the Appellant-Company will be permitted to take refund of the statutory deposit with accrued interest thereon from the Registry of this Court on proper identification.

12. Accordingly, the Appeal stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

