

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.917 of 2017

**The Divisional Manager, the
Oriental Insurance Co. Ltd.**

Appellant

-versus-

Lochan Sahoo & Ors.

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
23.02.2022**

Order No

- 05.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the appellant and learned counsel appearing for respondent Nos. 1 and 2.
3. This appeal has been filed by the appellant-company challenging the judgment dated 01.05.2017 passed by the learned 3rd M.A.C.T., Talcher in MAC Case No. 27 of 2016.
4. Learned Tribunal after going through the materials available on record directed payment of compensation amounting to Rs. 7,98,000/- along with interest @ 7.5% per annum from 04.03.2016 i.e. the date of filing of the claim application till the realization of the amount.
5. The appellant-company has challenged the said judgment in various grounds.

6. After going through the grounds of challenge, I find that learned Tribunal while assessing the compensation in its entirety has not taken into consideration the monthly income of the deceased in its proper perspective and also the deduction made towards personal expenses in its proper perspective.

7. Be that as it may, in view of such material irregularity committed by the learned Tribunal, while interfering with the impugned judgment, I deem it fit and proper to reduce the compensation amount from Rs.7,98,000/- to Rs.6,80,000/-

8. Accordingly, it is directed that the appellant company will pay compensation amount of Rs.6,80,000/- along with interest @ 7.5% per annum from 04.03.2016 till the date of payment.

9. The aforesaid amount so determined along with interest as indicated above shall be disbursed by the appellant company in favour of the respondent within eight weeks from today proportionately and in terms of the award passed by the learned Tribunal.

10. It is further directed that only on payment of the aforesaid amount in favour of the respondents, appellant company will be permitted to take refund of the statutory deposit along with accrued interest thereon with proper identification from the registry of this court.

11. With the aforesaid observation and direction the appeal is disposed of.

(Biraja Prasanna Satapathy)

Judge

Sneha

