

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.985 of 2018

Gitanjali Nayak and another

Appellants

Mr. B. Singh, Advocate

-versus-

***The New India Assurance Co. Ltd. and
others***

Respondents

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

Mr. G.C. Samantaray, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

11.08.2022

Order No.

07.

1. Heard Mr. B. Singh, learned counsel for the Appellants-claimants, Mr. B. Dasmohapatra, learned counsel for the Respondent No.2-M/s.United India Insurance Co. Ltd. and Mr. G.C. Samantaray, learned counsel for the Respondent No.1- The New India Assurance Co. Ltd.

2. Present appeal by the claimants is directed against the award dated 02.07.2018 of the learned MACT-I, Balasore in M.A.C. Case No.390 of 2016 wherein the learned Tribunal has granted compensation to the tune of Rs.21,88,240/- along with interest @7.5% per annum to the claimants from the date of filing of the claim application i.e.29.08.2016 on account of death of the deceased in the motor vehicular accident dated 13.07.2016.

3. It is submitted by Mr. B. Singh, learned counsel for the Appellants-claimants that the deceased was working as Ayush Doctor and getting monthly salary of Rs.16,705/-. It is further submitted that the learned Tribunal has forgotten to add future prospects and also did not grant adequate compensation towards loss of consortium in respect of the claimants, who are the wife and daughter of the deceased.

4. Upon hearing all the parties and considering the challenges advanced and admitted non-addition of future prospects, and grant of Rs.20,000/- only towards loss of consortium in place of Rs.80,000/- in view of the principles decided in the cases of *National Insurance Company Limited vs. Pranay Sethi and others*, (2017) 16 SCC 680, and *Magma General Insurance Company Ltd. vs. Nanu Ram @Chuhru Ram and others*, (2018) 18 SCC 130, a further consolidated sum of Rs.11,00,000/- is proposed to the parties in course of hearing. Mr. B. Singh, learned counsel for the claimants-Appellants agrees to the same and Mr. B. Dasmohapatra, learned counsel for Respondent No.2-M/s.United India Insurance Co. Ltd. leaves it to the discretion of the Court. Mr. G.C. Samantaray, learned counsel for the Respondent No.1-The New India Assurance Co. Ltd. does not express any opinion since no liability has been fastened on Respondent No.1.

5. Accordingly, the Insurance Company (Respondent No.2) is directed to deposit further consolidated sum of Rs.11,00,000/- (rupees eleven lakhs) before the Tribunal within a period of two

months from today; where-after the same shall be disbursed to the claimants on such terms and proportion to be decided by the learned Tribunal.

6. The MACA is disposed of with the above directions.

7. An urgent certified copy of this order be granted on proper application.

(***B.P. Routray***)
Judge

B.K. Barik

