

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.661 of 2019

Jayanta Kumar Mallick and others ***Appellants***

Mr. K.C. Nayak, Advocate

-versus-

Golakha Muduli and another ***Respondents***

Mr. P.K. Tripathy, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

28.10.2022

Order No.

08.

1. Heard Mr. K.C. Nayak, learned counsel for the Appellants-claimants as well as Mr. P.K. Tripathy, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimants is directed against the award dated 26.06.2019 of the learned 3rd MACT, Jagatsinghpur in MAC No.371 of 2015 wherein the learned Tribunal has granted compensation to the tune of Rs.4,40,000/- along with interest @7% per annum to the claimants from the date of filing of the claim application i.e.14.09.2015 on account of death of the deceased in the motor vehicular accident dated 31.3.2015.

3. Mr. K.C. Nayak, learned counsel contends for the claimants that no future prospects have been granted while computing compensation. Further the claimants are entitled to enhanced amount towards consortium and general damages.

4. Upon hearing both parties and considering all such grounds advanced by the parties and upon perusal of the impugned

judgment, it reveals that no future prospects has been added to the income and only Rs.40,000/- has been granted for consortium to the husband. As such further consolidated sum of Rs.2,30,000/- (rupees two lakhs thirty thousand) is proposed to the parties in course of hearing. Mr. K.C. Nayak, learned counsel for the claimants-Appellants agrees to the same and Mr. P.K. Tripathy, learned counsel for Respondent No.2-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

5. It needs to be mentioned here that for the purpose of adding future prospects, the principle stated in the case of *Kirti and another vs. Oriental Insurance Company Ltd.*, (2021) 2 SCC 166 is relied on and the enhanced amount is computed taking interest @6% per annum.

6. In the result, the appeal is disposed of with a direction to the Insurance Company to deposit the further consolidated sum of Rs.2,30,000/- before the Tribunal within a period of two months from today, where-after the same shall be disbursed to the claimants in equal proportion.

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

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