

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA NO. 321 OF 2021

From the Judgment/Order dated 31.03.2021 passed by the learned District Judge –cum- 3rd MACT, Deogarh in MAC Case No.72 of 2016-85/17.

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

:::

Appellant

-:: VERSUS ::-

Bija @ Bijay Kisan & Ors.

:::

Respondents

**Appeared in this case by Video Conferencing Mode / Hybrid
Mode.**

For Appellant

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**Mr. A.A. Khan, Advocate
(for Appellant-Company)**

For Respondent

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**Mr. A.K. Sahoo, Advocate
(for Claimants-Respondents
1 to 3)**

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PRESENT :

THE HON'BLE MR. JUSTICE B.P.SATAPATHY

Date of Hearing- 12.07.2022 :: Date of Order- 20.07.2022

B.P.Satapathy, J. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. A.A. Khan, learned counsel appearing for the Appellant-Company and Mr. A.K. Sahoo, learned counsel appearing for the Claimants-Respondents 1 to 3.

3. This appeal has been filed by the Appellant-Company challenging the Judgment dated 31.03.2021 passed in MAC No. 72 of 2016- 85/17 by the learned District Judge –cum- 3rd MACT, Deogarh.

4. Mr. Khan, learned counsel appearing for the Appellant-Company submitted that learned Tribunal without proper appreciation of the objections raised by the Appellant-Company held the Claimants-Respondents entitled to get compensation amount of Rs.24,02,003/- (Rs. Twenty four lakh two thousand three) along with interest @ 6% per annum payable from the date of application till its realization. It is submitted that learned Tribunal while assessing the compensation should have assessed the compensation by deducting 1/3rd towards personal living expenditure. It is also submitted that compensation amount awarded on different head are on the higher side. Mr. Khan accordingly prayed for interference of this Court.

6. Mr. Sahoo, learned counsel appearing for the Claimants-Respondents on the other hand submitted that no illegality has been committed by the learned Tribunal and the compensation has been rightly assessed.

7. Heard, learned counsel for the Parties. Perused the materials available on record. After going through the same this Court

when came to a finding that the Claimants-Respondents will be entitled to get compensation amount of Rs. 20,50,000/- (Rs. Twenty lakh fifty thousand) by keeping rate of interest so allowed by the learned Tribunal intact, Mr. Sahoo, learned counsel for the Claimants-Respondents supported the said view of this Court. Mr. Khan, learned counsel appearing for the Appellant-Company left the same to the discretion of this Court.

8. In view of such stand taken by the learned counsel appearing for the Parties, this Court while disposing the appeal held the Claimants-Respondents entitled to get compensation amount of Rs. 20,50,000/- (Rs. Twenty lakh fifty thousand) along with interest so awarded by the learned Tribunal in its order dtd.31.03.2021.

9. While holding so this Court directs the Appellant-Company to deposit the aforesaid compensation amount of Rs. 20,50,000/- (Rs. Twenty lakh fifty thousand) along with interest so allowed before the said Tribunal within a period of eight (8) weeks from the date of receipt of this order. It is observed that on such deposit of the amount by the Appellant-Company, learned Tribunal shall do well to disburse the same in favour of the Claimants-Respondents proportionately and in terms of its order dated 31.03.2021.

10. However, it is observed that if the Appellant-Company will fail to deposit the aforesaid compensation amount so assessed by this Court within the period stipulated hereinabove, the compensation amount of Rs. 20,50,000/- (Rs. Twenty lakh fifty thousand) will carry interest @ 7% per annum for the period

starting from the expiry of the period of eight(8) weeks from the receipt of this order.

11. It is further observed that only after deposit of the entire amount along with interest before the learned Tribunal as directed hereinabove, the Appellant-Company shall be permitted to take refund of the statutory deposit along with accrued interest from the Registry of this Court on proper identification.

12. This appeal is accordingly disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
The 20th July, 2022/Sneha

