

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.1256 of 2018**

***National Insurance Company Ltd.*** .... ***Appellant***

Mr. R.R. Mohanty, Advocate

*-versus-*

***Prasanti Pradhan and others*** .... ***Respondents***

Mr. P.K. Sahoo, Advocate for Respondent Nos.1&2

Mr. A.S. Nandy, Advocate for Respondent No.3

**CORAM:**

**JUSTICE B. P. ROUTRAY**

**ORDER**  
**06.12.2022**

**Order No.**

08.

1. Heard Mr. R.R. Mohanty, learned counsel for the Appellant-Insurance Company, Mr. P.K. Sahoo, learned counsel for the Respondent Nos.1 & 2-claimants and Mr. A.S. Nandy, learned counsel for the Respondent No.3-owner.

2. Present appeal by the insurer is directed against the judgment dated 18.05.2018 of learned 1<sup>st</sup> M.A.C.T., Angul in M.A.C. Case No.48/2017, wherein compensation to the tune of Rs.10,42,000/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 02.02.2017.

3. Mr. Mohanty, learned counsel for the Appellant mainly questions the quantum of compensation by submitting that the deceased being a student, the claimants are not entitled for addition of future prospects.

4. As per the principles settled in the case of *Kirti and another vs. Oriental Insurance Company Limited, (2021) 2 SCC 166*, future prospects are to be granted on notional income also. Therefore, upon hearing all the parties, no merit is seen in the contention of Mr. Mohanty to interfere with the impugned judgment.

5. In the result, the appeal is dismissed and the Appellant-Insurance Company is directed to deposit the entire compensation amount along with interest from the date of filing of the claim application before the learned Tribunal as per its direction within a period of two months from today; where-after the same shall be disbursed in favour of the claimants-Respondent Nos.1 & 2 on same terms and proportion contained in the impugned judgment.

6. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant.

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

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