

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1313 of 2018

From the Judgment / Order dated 03.10.2018 passed by the learned 2nd M.A.C.T., Southern Division, Berhampur, Ganjam in M.A.C Case No.260/2017 (37/2016-GDC).

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**Divisional Manager, Bajaj
Allianz G.I. Co., Ltd.**

....

Appellant

-versus-

Chinmayi Sahu & Another

....

Respondents

For Appellant : M/s. Adam Ali Khan,
S.K.Mishra & S.K.Sahoo.

For Respondents : M/s. K.K.Swain & S.Behera.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 25.04.2022 and Date of Order:04.05.2022

Biraja Prasanna Satapathy, J.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. A.A.Khan, learned counsel for the Appellant and Mr. K.K.Swain, learned counsel for the Claimant-Respondent No.1.
- 3.** This appeal has been filed by the Appellant-Company challenging the judgment dated 03.10.2018 passed by the learned 2nd M.A.C.T., (Southern Division), Berhampur, Ganjam in M.A.C Case No.260/2017 (37/2016-GDC).

4. Mr. Khan, learned counsel appearing for the Appellant-Company submitted that learned Tribunal without proper appreciation of the ground taken by the Appellant-Company allowed the claim, by directing payment of compensation of Rs.39,03,000/- along with interest @ 7 % per annum payable from the date of application i.e. 03.02.2016 till its realization.

5. Mr. Khan, learned counsel for the Appellant-Company submitted that in view of the disability of the Claimant to the extent of 80% as reflected in Ext.9, the award of compensation at Rs.39,03,000/- that too by taking the monthly income of the injured at Rs.10,000/- is on the higher side.

6. It is also submitted that the direction to pay interest @ 7 % per annum is also on the higher side, in view of the prevailing rate of interest at the relevant point of time.

7. Accordingly, learned counsel for the Appellant sought for interference of this Court with regard to the quantum of compensation allowed in favour of the Claimant-Respondent and the rate of interest allowed @ 7% per annum.

8. Mr. Swain, learned counsel for the Claimant-Respondent No.1 on the other hand while supporting the impugned judgment submitted that since the injured was a Computer Engineer and he became disabled to the extent of 80%, learned Tribunal has rightly assessed the compensation and no interference is called for by this Court.

9. Heard learned counsel for the Parties at length.

10. Perused the materials available on record and after going through the same, this Court when came to a conclusion that learned Tribunal has in fact allowed the compensation at the higher side by accepting the monthly income of the injured at Rs.10,000/- and so also the interest @ 7 % per annum payable on the compensation amount and held that the Claimant-Respondent is entitled to get compensation of Rs.32,00,000/- along with interest @ 6 % per annum payable from the date of application i.e. 03.02.2016 till its realization. Mr. Swain, learned counsel appearing for the Claimant-Respondent supported the said view of this Court.

11. Mr. Khan, learned counsel for the Appellant-Company left the said view to the discretion of this Court.

12. In view of such stand taken by the learned counsel for both the Parties, this Court while interfering with the impugned judgment held that the Claimant –Respondent No.1 is entitled to get compensation of Rs.32,00,000/- along with interest @ 6 % per annum payable from the date of application i.e. 03.02.2016 till its realization. This Court accordingly directs the Appellant-Company to pay the aforesaid compensation amount along with interest within a period of eight weeks from the date of receipt of this order.

13. It is directed that the Appellant-Company shall deposit the aforesaid compensation amount along with interest so assessed by this Court within the period indicated hereinabove before learned Tribunal.

14. It is further observed that on deposit of the amount, learned Tribunal shall disburse the same proportionately and in terms of the order passed earlier on 03.10.2018.

15. It is also observed that if the Appellant-Company fails to deposit the amount along with interest within the time indicated hereinabove by this Court, the Appellant-Company shall pay interest @ 7% per annum on the compensation amount of Rs.32,00,000/- for the period beyond expiry of the period of eight weeks till its payment.

16. It is also observed that only after deposit of the entire compensation amount along with interest so assessed by this Court, 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.

17. With the aforesaid observations and directions the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 4th of May, 2022/Subrat