

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA NO.854 OF 2019

From the Judgment/Order dated 24.07.2019 passed by the learned District Judge –cum- 1st MACT, Nayagarh in MAC Case No.87/2017.

National Insurance Co. Ltd.

::::

Appellant

-:: VERSUS ::-

Mamita Pradhan & Ors.

::::

Respondent

Appeared in this case by Video Conferencing Mode / Hybrid

Mode.

For Appellant

**:::: Mr. R.K. Mohanty, Advocate
(for Appellant)**

For Respondent

**:::: Mr. B.N. Rath, Advocate
(for Respondent Nos.1 to 3)**

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PRESENT :

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

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Date of Hearing- 30.06.2022:: Date of Order- 08.07.2022
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***B.P.Satapathy, J.* This matter is taken up through Hybrid Mode.**

2. Heard Mr. R.K. Mohanty, learned counsel appearing for the Appellant-Company and Mr. B.N. Rath, learned counsel appearing for the Claimants-Respondents No.1 to 3.

3. This appeal has been filed by the Appellant-Company challenging the Judgment dated 24.07.2019 passed in MAC No. 87/2017 by the learned District Judge –cum- 1st MACT, Nayagarh.

4. Mr. Mohanty, learned counsel appearing for the Appellant-Company submitted that learned Tribunal while assessing the compensation at Rs.11,12,000/- (Rs. Eleven lakh twelve thousand), has allowed compensation towards future prospect at 30% in place of 25%. It is also submitted that in place of multiplier 14 multiplier15 has been applied by the learned Tribunal. Accordingly, Mr. Mohanty prayed for interference of this Court with regard to the compensation allowed by the learned Tribunal.

5. Mr. Rath, learned counsel appearing for the Claimants-Respondents on the other hand submitted that learned Tribunal after proper appreciation of all the materials has rightly assessed the compensation and no interference is called for by this Court.

6. Heard, learned counsel for the Parties. Perused the materials available on record. After going through the same this Court when came to a conclusion that the Claimants-Respondents will be entitled to get compensation amount of Rs. 10,50,000/- (Rs. Ten lakh fifty thousand) by keeping the rate of interest so allowed by the learned Tribunal @ 6% per annum as intact, Mr. Rath, learned counsel for the Claimants-Respondents supported the said view of this Court. Mr. Mohanty, learned counsel appearing for the Appellant-Company left the same to the discretion of this Court.

7. In view of such stand taken by the learned counsel appearing for both the Parties, this Court while interfering with the impugned judgment held that the Claimants-Respondents will be entitled to get compensation amount of Rs. 10,50,000/- (Rs. Ten lakh fifty thousand) along with interest so awarded by the learned Tribunal in its Order dated 24.07.2019.

8. While holding so this Court directs the Appellant-Company to deposit the aforesaid compensation amount of Rs. 10,50,000/- (Rs. Ten lakh fifty thousand) along with interest so directed by the learned Tribunal before the said Tribunal within a period of eight (8) weeks from the date of receipt of this order. It is directed 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 24.07.2019.

9. 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 indicating hereinabove, the Claimants-Respondents will be entitled to get interest @ 7% per annum on the said compensation amount of Rs. 10,50,000/- (Rs. Ten lakh fifty thousand) for the period starting from the expiry of the period of eight(8) weeks from the receipt of this order.

10. 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.

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

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
The 8th July, 2022/Sneha

