

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.348 of 2021

Chhabirani Sahoo and Another ***Appellants***

Mr. Ramesh Chandra Ojha, Advocate

-versus-

Bishnu Prasad Sahoo and Another ***Respondents***

Mr. A.A. Khan, counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
30.8.2022

Order No.

- 03.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. R.C. Ojha, learned counsel for the claimant – Appellants and Mr. A.A. Khan, learned counsel for insurer – Respondent No.2.
 3. Present appeal by the claimants is against the impugned judgment dated 22nd July, 2021 of the learned 1st MACT, Jajpur passed in MAC Case No.36 of 2017 wherein compensation to the tune of Rs.1,00,000/- along with interest @ 6% per annum from the date of filing of the claim application, i.e. 31st March, 2017 has been granted on account of death of deceased Subhransu Sahoo in the motor vehicular accident dated 4th March, 2017.
 4. It is submitted on behalf of the claimants that disbelieving the income of the deceased, the learned tribunal has granted only Rs.1,00,000/- as compensation which is not supported with any valid reason.

5. Upon hearing Mr. Khan, learned counsel for the insurer and perusal of the impugned judgment, it reveals that the age of the deceased on the date of death was 17 years and admittedly the source of income could not be proved satisfactorily with specific evidence. Even then taking the deceased as a non-earning person, as per Schedule-II of the M.V. Act his notional income can safely be fixed at Rs.15,000/- per annum. Calculating on such basis of income and adding 40% towards future prospects and Rs.70,000/- towards general damages and consortium, a further consolidated sum of Rs.2,00,000/- is proposed to the parties. This is agreed by Mr. Ojha, learned counsel for the claimant- Appellants and Mr. Khan, learned counsel for the insurer leaves it to the discretion of the court. As such the compensation is fixed to the above extent.

6. In the result, the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit a further consolidated sum of Rs.2,00,000/- (two lakh) before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Appellants on such terms and proportion to be decided by the learned Tribunal.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge