

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.896 of 2019

Binodini Nayak and another ***Appellants***

Mr. P.K. Mishra, Advocate

-versus-

Prakash Chandra Patra and another ***Respondents***

Mr. S. K. Mohanty, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

14.03.2022

Order No.

07.

1. Heard Mr. P.K. Mishra, learned counsel for the Appellants-claimants as well as Mr. S.K. Mohanty, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal is directed against the award dated 23.09.2019 of the learned 3rd MACT, Bhubaneswar in MAC Case No.270 of 2012 wherein the learned Tribunal has granted compensation of Rs.5,56,000/- along with interest @7% per annum to the claimants from the date of filing of the claim application i.e.27.12.2012 on account of death of the deceased in the motor vehicular accident dated 23.12.2012.

3. The claimants have come up in the present appeal praying for enhancement of the compensation amount.

4. Mr. P.K. Mishra, learned counsel for the claimants-Appellants submits that the learned Tribunal has not granted any amount towards future prospects. Further, no justification is there to take the income of deceased on daily wage basis despite adequate

proof of his income produced on record. Mr. Mishra further points out that filial consortium in respect of one of the parents has not been granted.

5. Having heard both parties and considering the grounds advanced, further consolidated sum of Rs.3,30,000/- (rupees three lakhs thirty thousand) is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Appellants agrees to the same and Mr. S.K. Mohanty, learned counsel for Respondent No.2-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. The Insurance Company is directed to deposit the further consolidated sum of Rs.3,30,000/- before the Tribunal within a period of two months from today which shall be disbursed to the claimants on such terms and proportion to be decided by the learned Tribunal.

7. It goes without saying that the right of recovery as directed by the Tribunal in the impugned judgment is left undisturbed.

9. The MACA is disposed of.

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

(B.P. Routray)
Judge