

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

**MACA No.915 of 2019**

***Sukanti Patra and others***

....

***Appellants***

Mr.K.C.Nayak, Advocate

**-versus-**

***Pranaba Ku.Swain and another***

....

***Respondents***

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

**CORAM:**

**JUSTICE B. P. ROUTRAY**

**ORDER**

**12.4.2022**

**Order No.**

9.

1. Heard Mr.Nayak, learned counsel for the claimants-Appellants and Mr.Khan, learned counsel for the Insurer-Respondent No.2.

2. Present appeal by the claimants-Appellants is directed against the judgment dated 18<sup>th</sup> July, 2019 passed by learned 1<sup>st</sup> Addl. District Judge-cum-M.A.C.T., Cuttack in MAC No.1023 of 2015, wherein compensation to the tune of Rs.9,77,200/- has been granted along with interest @6% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 27<sup>th</sup> September, 2015.

3. The Appellants pray for enhancement of the compensation amount in the present appeal. It is submitted on behalf of them that the learned Tribunal has committed error in assessing monthly income of the deceased at Rs.4,500/- @ Rs.150/- per day

for unskilled labourers, instead of Rs.200/- in terms of SRO No.323/215 dated 24<sup>th</sup> July, 2015.

4. Having heard both parties and considering the grounds advanced by the Appellants for enhancement and the prescribed rate of minimum wages @200/- per day for unskilled labourers prevalent on the date of accident, a further compensation of Rs.2,00,000/- (Two lakhs) consolidated is proposed to the parties in course of hearing. This is agreed by Mr.Nayak, learned counsel for the claimants. Mr.Khan, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. In the result, the appeal is disposed of with a direction to the Insurer-Respondent No.2-M/s.Chola M.S. General Insurance Co. Ltd. to deposit the enhanced consolidated compensation of Rs.2,00,000/- (Two lakhs) within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be decided the Tribunal.

6. Urgent certified copy of this order be granted on proper application.

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