IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.939 of 2019

M/s.IFFCO Tokio General Insurance Company Ltd. .... ***Appellant***

Mr.J.R.Deo, Advocate

-versus-

Pravati Pattnaik and others .... ***Respondents***

Mr.K.Panigrahi, Advocate for Respondent Nos.1 to 5

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
16.11.2022

Order No.

8. 1. The matter is taken up through Hybrid mode.

2. Heard Mr.Deo on behalf of Mr.G.Mishra, learned Senior counsel for the Appellant and Mr.Panigrahi, learned counsel for Respondent Nos. 1 to 5.

3. Present appeal by the Appellant is directed against the judgment dated 30th September, 2019 of the Third M.A.C.T., Talcher, in MAC Case No.143 of 2016, wherein compensation to the tune of Rs.18,86,920/- has been granted along with interest @7% 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 on 31st May, 2016.

4. Mr. Deo mainly questions the quantum of compensation. As per him, remuneration of the deceased through

Exts.9 to 12 and the employment is not proved in accordance with required standard of the evidence.

5. Upon hearing Mr.Panigrahi, learned counsel for the claimants and perusal of the impugned judgment, it reveals that Exts.9 to 12 are nothing but the wages slip issued as per the prescribed form. It is true that the employer of the deceased was a private entity under the NALCO. But the same would not be enough to disbelieve the income of the deceased. Based on the entries made under Exts.9 to 12 and other evidence, the Tribunal has assessed the monthly income of the deceased at Rs.11,536/- on the date of accident. The Tribunal thereafter adding future prospects to the extent of 25% with applicable multiplier and necessary deductions as well as additions has finally quantified the compensation amount. No flaw is seen in the approach of the Tribunal to warrant interference with the impugned judgment. As such, the same is confirmed. However, the rate of interest is reduced to 6% and the penal interest as directed by the Tribunal is waived.

6. In the result, the appeal is disposed of with a direction to the Insurer-Appellant to deposit the entire compensation amount along with interest @6% per annum within a period of two months from today, where-after the same shall be disbursed in favour of the claimants on same terms and proportion contained in the impugned judgment.

7. The statutory deposit made by the Appellant with accrued interest thereon be refunded to him on proper application

and on production of proof of deposit of the award amount before the learned Tribunal.

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

(B.P. Routray)
Judge

C.R.Biswal