

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

**MACA No.956 of 2019**

**Dhana Singh and others                      ....                      Petitioners**

***-versus-***

**Purna Ch. Bagal and another                      ....                      Opposite Parties**

**CORAM:  
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
05.07.2022**

**Order No**

**07.**

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. P.K. Mishra, learned counsel appearing for the Appellant and Mr. G.P. Dutta, learned counsel appearing for the Respondent No.2-Company.

3. This appeal has been filed by the Appellants-Claimants seeking enhancement of the compensation awarded by the learned 5<sup>th</sup> MACT, Baripada vide judgment dated 13.08.2019 in MAC No. 69 of 2015.

4. Mr. Mishra, learned counsel for the Appellants submitted that learned Tribunal while allowing the claim of the claimants though directed for payment of compensation amount of Rs. 7,00,000/- (Seven Lakh) along with interest @ 7% per annum, but while awarding such compensation no compensation is awarded towards consortium and future prospect has been calculated at 25% instead of 40%. Accordingly, Mr. Mishra, prayed for interference of this Court and for enhancement of the compensation amount suitably.

5. Mr. Dutta, learned counsel appearing for the Respondent-Company though supported the impugned Judgment, but fairly submitted that no compensation has been awarded with regard to claim for compensation towards consortium.

6. Heard learned counsel for the Parties. Perused the materials available on record. This Court after going through the same finds that learned Tribunal while assessing the compensation has not awarded the compensation towards consortium and future prospect. Taking everything into account this Court when came to a finding that the Appellants-Claimants will be entitled to get further compensation amount of Rs. 1,50,000/- (Rs. One lakh Fifty thousand) consolidated. Mr. Mishra, learned Counsel appearing for the Appellants supported the said view of this Court. Mr. Dutta, learned counsel appearing for the Company left the same to the discretion of this Court.

7. In view of the such stand taken by the learned counsel appearing for both the parties. This Court held that the Claimants-Appellants will be entitled to get further compensation amount of Rs. 1,50,000/- (Rs. One lakh Fifty thousand) consolidated. Since it is submitted that the entire award has been satisfied in the meantime by the company, the Respondent-Company is directed to deposit the aforesaid compensation amount of Rs. 1,50,000/- (Rs. One lakh Fifty thousand) consolidated before learned Tribunal within a period of six weeks from today. On such deposit of the amount learned Tribunal shall do well to disburse the same in favour of the claimants proportionately and in terms of its earlier order passed on 13.08.2019.

8. It is however, observed and if the respondent company will fail to deposit the aforesaid compensation amount of Rs. 1,50,000/-

(Rs. One lakh Fifty thousand) within time indicated hereinabove, the said compensation amount will carry interest @ 6% per annum for the period starting from the expiry of the period of six(6) weeks till its payment.

9. The appeal is disposed of with the aforesaid observation and direction.

**(Biraja Prasanna Satapathy)**  
**Judge**

*subhasmita*

