

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.383 of 2021 & MACA No.390 of 2021

In MACA No.383 of 2021

New India Assurance Co. Ltd. ***Appellant***

Mr. P.K. Panda, Advocate

-versus-

Labanitola Patra@Labanilata Patra ***Respondents***
and others

Mr. P.K. Mishra, Advocate for Respondent Nos.1 to 5

In MACA No.390 of 2021

Labanitola Patra@Labanilata Patra ***Appellants***
and others

Mr. P.K. Mishra, Advocate

-versus-

Sarat Chandra Patashani and another ***Respondents***

Mr. P.K. Panda, Advocate for Respondent No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
13.09.2022

Order No.

I.A. No.895 of 2021 arising out of MACA No.390 of 2021

01. 1. The Appellants being the claimant are exempted from payment of Court fees for the time being.
2. The I.A. is disposed of.

MACA No.383 of 2021 & MACA No.390 of 2021

3. Heard Mr. P.K. Panda, learned counsel for the Insurance Company and Mr. P.K. Mishra, learned counsel for the claimants.

4. Both the appeals being arise out of the same judgment dated 31.08.2021 of the learned 4th MACT, Bhubaneswar wherein compensation to the tune of Rs.13,64,000/- has been granted along with interest @6% per annum to the claimants from the date of filing of the claim application, i.e.6.9.2016 on account of death of the deceased in the motor vehicular accident dated 14.02.2016, are heard together and disposed of by this common order.

5. MACA No.383 of 2021 has been filed by the insurer challenging the award and MACA No.390 of 2021 has been filed by the claimants praying for enhancement of the compensation amount.

6. Upon hearing both the parties and considering all such grounds of challenge as advanced by the respective parties and considering the prevalent rate of daily wage prescribed for a semi-skilled labourer on the date of accident as per SRO No.323/2015 and taking the deceased as a mason as per the finding of the learned Tribunal, a modified compensation of Rs.14,80,000/- along with 6% interest is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants agrees to the same and Mr. P.K. Panda, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

7. In the result, the Insurance Company is directed to deposit the modified compensation of Rs.14,80,000/- (rupees fourteen lakhs eighty thousand) before the Tribunal along with interest @6% per annum from the date of filing of the claim application, i.e.6.9.2016 within a period of two months from today; whereafter the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

8. On deposit of the award amount before the learned Tribunal and filing of a receipt evidencing the deposit with a refund application before this Court, the statutory deposit made before this Court in MACA No.383 of 2021 with accrued interest thereon shall be refunded to the Insurance Company.

9. With the aforesaid observations and directions, both the appeals are disposed of.

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

(*B.P. Routray*)
Judge