

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.731 of 2020

Parbati Oram

....

Appellant

Ms.Deepali Mohapatra, Advocate

-versus-

Union of India

....

Respondent

Mr.P.S.Nayak, Advocate

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
28.07.2022**

Order No.

06.

1. The matter is taken up through Hybrid mode.
2. Heard Ms.Mohapatra, learned counsel for the Appellant and Mr.Nayak, learned counsel for Respondent-Union of India. It is submitted on behalf of the appellant that challenge in the present appeal is against the direction of keeping 90% of the compensation amount in fixed deposit and is covered by a similar judgment of this court. So the delay in filing the appeal may be condoned and the matter may be disposed of on merit. Mr.Nayak, learned counsel for Union of India also agrees with this submission. Accordingly, the delay in filing the appeal is condoned and the matter is taken up for final disposal.
3. It is further submitted by Ms.Mohapatra that Claimant no.1, namely, Mangu Oram @ Xess died on 5th November, 2018 and so the mother, who is the present Appellant, remains as the sole surviving L.R. of the deceased (who died in the accident).

4. As stated earlier, the limited challenge in this appeal is with regard to the direction of the tribunal for keeping 90% of the compensation amount in fixed deposit.

5. It is admitted by both parties that the challenge in the present appeal is squarely covered by the decision of this Court rendered in FAO No.262 of 2022 and batch, disposed of on 9th September, 2021.

6. Accordingly, the present appeal is disposed of in terms of the principles decided in the said decision of this Court. In support of the death of Mangu Oram, the death certificate has been filed on 29th April, 2022 and as such, the Appellant-claimant, being the mother of the deceased, is entitled for the entire compensation amount as per the direction of the tribunal. Further, the direction of the tribunal to deposit 90% of the award amount in fixed deposit is modified to the extent that 50% of the same be kept in fixed deposit in the name of the Appellant in any National Bank for a period five years. Rest 50% be released in her favour by way of deposit in her savings bank account of a Nationalized bank as per choice of the Appellant.

(B.P. Routray)
Judge