

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA NO.411 OF 2021

From the Judgment/Order dated 24.03.2021 passed by the learned 1st ADJ –cum- 1st MACT, Cuttack in MAC Case No.74 of 2014.

The Divisional Manager, **:::** **Appellant**
New India Assurance
CO. Ltd.

-:: VERSUS ::-

Debi Prasad Routray & Ors. :::: Respondents

Appeared in this case by Video Conferencing Mode / Hybrid

Mode.

For Appellant :::: Mrs. S.K. Sarangi,
Sr. Advocate
(for Appellant)

For Respondents ::: Mr. P.K. Mishra, Advocate
(for Respondent Nos.1 to 5)

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PRESENT :

THE HON'BLE MR. JUSTICE B.P.SATAPATHY

Date of Hearing- 30.06.2022:: Date of Order- 08.07.2022

B.P.Satapathy, J. This matter is taken up through Hybrid Mode.

2. Heard Mr. S.K. Sarangi, learned Senior Counsel appearing for the Appellant-Company and Mr. P.K. Mishra, learned counsel appearing for the Claimants-Respondents No.1 to 5.

3. This appeal has been filed by the Appellant-Company challenging the Judgment dated 24.03.2021 passed in MAC Case No. 74/2014 by the learned 1st ADJ –cum- 1st MACT, Cuttack.

4. Mr. Sarangi, learned Senior Counsel appearing for the Appellant-Company submitted that learned Tribunal without proper appreciation of the grounds taken by the Appellant-Company and the without proper appreciation, held the Claimants-Respondents entitled to get compensation amount of Rs. 45,49,456/-(Rs. Forty five lakh forty nine thousand four hundred fifty six) along with interest @ 6% per annum payable from the date of application till its payment.

5. Mr. Sarangi further submitted that learned tribunal illegally assessed the compensation towards loss of dependency at 3/4th and it should have been at 2/3rd. It is also submitted that assessment of compensation towards future prospect at 40% is also not just and proper. Accordingly, Mr. Sarangi prayed for interference of this Court in the impugned Judgment.

6. Mr. Mishra, learned counsel appearing for the Claimants-Respondents on the other had submitted that learned Tribunal has rightly assessed the compensation and no interference is called for by this Court.

7. Heard, learned counsel for the Parties. Perused the materials available on record. After going through the same this Court when came to a conclusion that the Claimants-Respondents will be entitled to get compensation amount of Rs. 40,00,000/-(Rs. Forty lakh) by keeping the rate of interest so allowed by the learned

Tribunal @ 6% per annum as intact, Mr. Mishra, learned counsel for the Claimants-Respondents supported the said view of this Court. Mr. Sarangi, learned Senior Counsel appearing for the Appellant-Company left the same to the discretion of this Court.

8. In view of such stand taken by the learned counsel appearing for both the Parties, this Court while interfering with the impugned judgment held that the Claimants-Respondents will be entitled to get compensation amount of Rs. 40,00,000/- (Rs. Forty lakh) along with interest so awarded by the learned Tribunal in its Order dated 24.03.2021 .

9. While holding so this Court directs the Appellant-Company to deposit the aforesaid compensation amount of Rs. 40,00,000/- (Rs. Forty lakh) along with interest so directed by the learned Tribunal before the said Tribunal within a period of eight weeks from the date of receipt of this order. It is directed that on such deposit of the amount by the Appellant-Company learned Tribunal shall disburse the same in favour of the Claimants-Respondents proportionately and in terms of its order dated 24.03.2021.

10. However, it is observed that if the Appellant-Company will fail to deposit the aforesaid compensation amount so assessed by this Court within the period indicating hereinabove, the Claimants-Respondents will be entitled to get interest @ 7% per annum on the said compensation amount of Rs. Rs. 40,00,000/- (Rs. Forty lakh) for the period starting from the expiry of the period of eight(8) weeks from the receipt of this order.

11. It is further observed that only after deposit of the entire amount along with interest before the learned Tribunal as directed

hereinabove, the Appellant-Company shall be permitted to take refund of the statutory deposit along with accrued interest from the Registry of this Court on proper identification.

12. This appeal is accordingly disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
The 08th July, 2022/Sneha

