IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.448 of 2019

Pravat Ku. Mekap **.....** ***Appellant***
Mr. P.K. Mishra, Advocate

-versus-

Sanjaya Patra & Anr. **.....** ***Respondents***
Mr. G.P. Dutta, Advocate
(Respondent No. 2)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
19.12.2024

Order No.05

1. This matter is taken up through hybrid mode.

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

3. The present appeal has been filed by the Appellant-Claimant seeking enhancement of the compensation so awarded by the learned 7th MACT, Bhubaneswar vide Judgment dtd.30.03.2019 in MAC Case No. 58 of 2016.

4. Learned counsel appearing for the Appellant-Claimant contended that on the face of the claim made to the tune of Rs.12,10,000**/-**, the Tribunal without proper appreciation of the materials placed before it, only awarded compensation amount of Rs.2,08,780/- along with interest @ 7% per annum payable from the date of filing of the claim application till its realization.

4.1. It is contended that even though disability of the Injured was shown at 40% permanent, but while assessing the compensation, the

same has been wrongly taken at 10%. It is accordingly contended that had the Tribunal properly appreciated the disability so proposed, the compensation amount would have been on the higher side.

4.2. However, in course of hearing learned counsel appearing for the Appellant-Claimant contended that if this Court will allow further compensation amount of Rs.3,00,000/- consolidated, ends of justice will be met.

5. Mr. G.P. Dutta, learned counsel appearing for the Respondent No. 2-Company though supported the impugned award, but to the submission made for award of further compensation of Rs.3.00,000/- consolidated by the learned counsel for Appellant, leave the same to the discretion of this Court.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court is inclined to dispose of the appeal by holding the Appellant-Claimant entitled to get further compensation amount of Rs.3,00,000/- consolidated. While holding so, this Court directs Respondent No. 2-Company to deposit the aforesaid compensation amount of Rs.3,00,000/- consolidated before the Tribunal within a period of eight (8) weeks from the date of receipt of this order. On such deposit of the amount, the Tribunal shall disburse the same in favour of the Appellant-Claimant in terms of the Judgment dtd.30.03.2019.

6.1. However, it is observed that if the amount as directed is not deposited within the aforesaid time period, the compensation amount of Rs.3,00,000/- consolidated will carry interest @ 6% per

annum payable for the period starting from the expiry of the period of eight (8) weeks till the amount is so deposited.

7. The appeal is accordingly disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified
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Signed by: SNEHANJALI PARIDA
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 23-Dec-2024 16:00:57