



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.77 of 2024

The Manager, T.P. Hub, M/s.
Oriental Insurance Co. Ltd.

.....

Appellant

Ms. R. Pati, Advocate

-versus-

Subash Chandra Samal & Ors.

.....

Respondents

Mr. B.N. Rath, Advocate
(Respondent Nos. 1 & 2)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
28.03.2025

Order No.04

1. This matter is taken up through hybrid mode.
2. Heard Ms. R. Pati, learned counsel appearing for the Appellant-Company and Mr. B.N. Rath, learned counsel appearing for the Claimants-Respondent Nos. 1 & 2.
3. The present appeal has been filed by the Appellant-Company challenging Judgment dtd.05.05.2023 so passed by the learned 2nd ADJ-cum-3rd MACT, Cuttack in MAC Case No. 1050 of 2019. Vide the said Judgment the Tribunal assessed the compensation at Rs.23,38,000/- along with interest @ 7% per annum payable from the date of filing of the claim application till its realization. The Tribunal also awarded default interest @ 12%, if the compensation so assessed is not deposited within the stipulated time period.
4. Learned counsel appearing for the Appellant-Company in support of the appeal contended that the Tribunal while awarding the compensation, wrongly held the monthly income of the deceased at



Rs.15,000/- without having any material documents being placed by the Claimants-Respondents.

4.1. It is also contended that the Tribunal instead of exempting the Appellant-Company from paying the compensation, only awarded right of recovery as against Owner-Respondent No. 3. It is also contended that Respondent No. 3 was set ex parte before the Tribunal and challenging the right of recovery, Respondent No. 3 has not filed any appeal.

4.3. It is also contended that the Tribunal without proper appreciation of the materials placed, while wrongly assessed the compensation at Rs.23,38,000/-, also allowed interest @ 7% per annum and default interest @ 12% per annum which are on the higher side.

4.4. Making all these submissions learned counsel appearing for the Appellant contended that had the Tribunal properly appreciated/assessed the income of the deceased, the compensation amount so awarded so also the interest part would have been on the lower side. It is accordingly contended that the impugned award is not sustainable in the eye of law and requires interference of this Court.

5. Mr. B.N. Rath, learned counsel appearing for the Claimants-Respondent Nos. 1 & 2 though on the other hand supported the impugned Judgment and contended that the Tribunal has rightly assessed the compensation, but in course of hearing learned counsel appearing for the Claimants-Respondent Nos. 1 & 2 contended that the Claimants-Respondents will be fully satisfied, if this Court will assess the compensation amount at Rs.20,50,000/- along with



interest @ 6% per annum payable from the date of filing of the claim application till its realization. With regard to award of 12% default interest, learned counsel appearing for the Respondents-Claimants contended that this Court can pass appropriate order in that regard.

6. Learned counsel appearing for the Appellant-Company while left the aforesaid proposition made by the learned counsel for the Claimants-Respondent Nos. 1 & 2 to the discretion of this Court, contended that right of recovery so allowed by the Tribunal as against Owner-Respondent No.3 be confirmed.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while waiving out the default interest levied @ 12% per annum, is inclined to hold the Claimants-Respondent Nos. 1 & 2 entitled to get compensation amount of Rs.20,50,000/- along with interest @ 6% per annum payable from the date of application till its realization and confirm the right of recovery as against Owner-Respondent No. 3 as it is contended that challenging the right of recovery, Owner-Respondent No. 3 has not filed any appeal. While holding so, this Court directs the Appellant-Company to deposit the compensation amount of Rs.20,50,000/- along with interest @ 6% interest per annum payable from the date of filing of the claim application till its realization 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 Claimants-Respondent Nos. 1 & 2 proportionately in terms of the Judgement dtd.05.05.2023.

7.1. However, it is observed that if the amount as directed is not deposited within the aforesaid time period of eight (8) weeks, the



compensation amount of Rs.20,50,000/- shall carry interest @ 7% starting from the expiry of the period of eight (8) weeks till the amount is so deposited.

7.2. It is also observed that if any application will be filed by the Appellant seeking recovery of the compensation from Owner/Respondent No. 3, the same be considered and disposed of in accordance with law and by giving due opportunity of hearing to Respondent No. 3.

7.3. On such deposit of the amount, the Appellant-Company shall be permitted to take back the statutory deposit along with accrued interest if any from the Registry on proper identification.

8. The appeal is disposed of accordingly.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Apr-2025 19:39:04

