



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.34 of 2024

***M/s.D.M., National
Insurance Co. Ltd., Cuttack***

....

Appellant

Mr. P.K. Mahali, Advocate

-versus-

***Subhashree Sahoo &
Others***

....

Respondents

Mr. S.B.Das , Adv.

(Respondent Nos.1 & 2)

CORAM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.03.2025

Order No.

8. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the parties.

3. This appeal has been filed by the Appellant–Company challenging the judgment dt.23.08.2023 so passed by the learned 1st MACT, Jajpur in MAC Case No.186 of 2017. Vide the said Judgment, the Tribunal awarded compensation at Rs.48,03,650/- along with interest @6% per annum payable from the date of filing of the claim application till its realization. The Tribunal also awarded default interest @ 9% per annum, if the compensation so assessed is not deposited within a period of three (3) months.

4. In support of the appeal, learned counsel appearing for the appellant contended that even though in support of the income of the deceased, ITR for three(3) different years were produced and exhibited vide Exts.9 to 11, but the annual



income shown in the last ITR submitted vide Ext.11 was taken as the annual income of the deceased.

4.1. It is contended that had the Tribunal taken the average income of the deceased as per ITR submitted vide Exts.9 to 11, the average income would have come to Rs.2,72,603/-. But the Tribunal taking into account the annual income reflected in the last ITR exhibited vide Ext.11 took the annual income at Rs.3,35,260/-. It is accordingly contended that the impugned award should have been assessed at a lower side. It is further contended that award of interest @7% per annum and default interest @ 9% per annum is not sustainable in the eye of law as being in the higher side.

5. Even though learned counsel for the claimants-respondents supported the impugned award, but in course of hearing contended that the claimant-respondent will be fully satisfied if this Court will reduce the compensation amount to Rs.42,00,000/- along with interest @ 6% per annum payable from the date of filing of the claim application till its realization. With regard to award of default interest @9% per annum, it is contended that this Court may pass appropriate order.

6. Learned counsel appearing for the Appellant-company left the aforesaid proposition made by the learned counsel for the Claimants-respondents to the discretion of this Court.

7. Having heard learned counsel for the parties and considering the submission made, this Court while interfering with the impugned judgment is inclined to waive out the default interest levied @ 9% per annum and



reduce the compensation to Rs.42,00,000/- along with interest @6% per annum payable from the date of application till its realization. This Court accordingly directs the Appellant-Company to deposit compensation amount of Rs.42,00,000/- along with interest @6% per annum payable from the date of application till its realisation within a period of eight (8) weeks from the date of receipt of this order.

7.1. It is observed that on such deposit of the amount, the Tribunal shall do well to disburse the same in favour of the Claimants-Respondents No.1 & 2 proportionately in terms of the judgment dt.23.08.2023

7.2. It is further observed that if the Appellant-Company will fail to deposit the compensation amount within the time stipulated here-in-above, the compensation amount of Rs.42,00,000/- shall carry interest @7% per annum payable from the date of expiry of the period of 8 (eight) weeks till it is so deposited.

7.3. It is observed that only after deposit of the amount as directed, Appellant-Company shall be permitted to take refund of the statutory deposit along with accrued interest, if any, on proper identification.

7.4. The MACA accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 02-Apr-2025 18:27:46

