



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.298 of 2025

***Divisional Manager, The New
India Assurance Co., Ltd.,
Uditnagar, Rourkela***

Appellant
Mr. P.K. Mahali, Adv.

-versus-

Pramoda Behera & Ors.

Respondents
Mr. P.K. Nayak, Advocate
(for Respondent Nos.1 & 2)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
24.07.2025

Order No. 01

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. This appeal has been filed challenging the Judgment dtd.26.10.2024 so passed by the learned 1st Addl. District Judge-cum-3rd M.A.C.T., Rourkela in MAC Case No. 96 of 2023. Vide the said Judgment the Tribunal assessed the compensation at Rs.67,07,075/- along with interest @ 7% per annum payable from the date of filing of the claim application till its realization.
4. In support of the appeal, learned counsel appearing for the Appellant contended that the Tribunal while assessing the compensation took the annual income of the deceased at Rs.4,71,220/- basing on the ITR submitted for a single year i.e. for the assessment year 2022-23 under Ext.-9.
 - 4.1. It is also contended that in the Aadhar Card so issued in favour of the appellant, appellant at the time of accident though was 41



years of age, but his age was wrongly taken as 39 years basing on the post-mortem report.

4.2. It is also contended that since charge sheet was filed under Section-181 of the M.V. Act, it should have been held that the accused driver was not having valid D.L. But the Tribunal without proper appreciation of the aforesaid provisions and without proper appreciation held the annual income of the deceased at Rs.4,71,220/- basing on the Ext.-9 only.

4.3. It is also contended that had the Tribunal taken the age of the deceased basing on the Aadhar Card multiplier 14 should have been applied in place of 15 and future prospect should have been assessed @ 25 % in place of 40%.

4.4. Making all these submissions, learned counsel appearing for the appellant-Company contended that had the Tribunal properly appreciated the aforesaid contention so raised by the appellant, the compensation amount so awarded would have been assessed on the lower side. It is accordingly contended that the impugned award needs interference of this Court.

5. Mr. P.K. Nayak, learned counsel appearing for the claimants-respondents on the other hand contented that since in the ITR submitted vide Ext.9, annual income of the deceased was shown as Rs.4,71,220/-, the Tribunal has not committed any wrong by taking the said income.

5.1. It is also contended that since the Tribunal taking into account the age mentioned in the post-mortem report applied multiplier 15, no illegality also can be found with the same.



5.2. It is also contended that even if the annual income will be taken at Rs.4,00,000/-, the compensation amount would have been assessed at Rs.47,36,660/-.

5.3. Learned counsel appearing for the Claimant-Respondents in course of hearing however contended that the Claimant-Respondent will have no grievance, if the compensation amount will be reduced to Rs.50,00,000/-, while confirming the interest awarded @ 6% per annum payable from the date of filing of the claim application till its realization.

6. Mr. Mahali, learned counsel appearing for the Appellant left the aforesaid proposition made by the learned counsel for the Claimants-Respondents to the discretion of this Court.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while interfering with the impugned Judgment dtd.27.03.2025, held the Claimant-Respondent entitled to get compensation amount of Rs.50,00,000/- along with interest @ 6% per annum, payable from the date of filing of the claim application till its realization. This Court accordingly while holding so, directs the Appellant to deposit the compensation amount of Rs.50,00,000/- along with interest @ 6% per annum payable from the date of filing of the claim application till its realization 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 Claimant-Respondent proportionately in terms of the Judgment passed on 26.10.2024.

7.1. However, it is observed that if the amount as directed will not be deposited by the Appellant within the aforesaid time period of



eight (8) weeks, the compensation amount of Rs.50,00,000/- shall carry interest @ 7% per annum for the period starting from the expiry of the period of eight (8) weeks till its payment. On such deposit of the entire amount as directed, Appellant will be permitted to take back refund of the statutory deposit along with accrued interest, if any, from the Registry on proper identification.

8. The appeal is accordingly disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Subrat

Signature Not Verified

Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 29-Jul-2025 11:51:12

