

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.555 of 2018

MACA No.555 & 476 of 2018

Sabitri Biswal and Others (In MACA No.555/2018)

***National Insurance Co. Ltd.,
Represented through its Officer-in-
Charge, Orissa Legal Cell*** (In MACA No.476/2018)

.... ***Appellants***

Mr. L.M. Nanda on behalf of Mr. B.C. Panda, Advocate
(in MACA No.555/2018)

Mr. J.R. Deo, Advocate (in MACA No.476/2018)

-versus-

Bhaskar Chandra Sahoo & Another (In MACA No.555/2018)

Smt. Sabitri Biswal and Others (In MACA No.476/2018)

.... ***Respondents***

Mr. J.R. Deo, counsel for Respondent No.2
(in MACA No.555/2018)

Mr. L.M. Nanda on behalf of Mr. B.C. Panda,
counsel for Respondents 1&2
(in MACA No.476/2018)

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
13.10.2022**

Order No.

09. 1. The matters are taken up through hybrid mode.
2. Heard Mr. J.R. Deo, learned counsel for the insurer and Mr. L.M. Nanda on behalf of Mr. B.C. Panda, learned counsel for the claimants.

3. Both the appeals being arise out of same judgment, are heard together and disposed of by this common order.

4. Both the appeals are against same impugned judgment dated 21st November, 2017 of learned 2nd MACT, Cuttack passed in Misc. Case No.808 of 2010, wherein compensation to the tune of Rs.42,58,200/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 13th October, 2010 has been granted on account of death of deceased Rajesh Kumar Biswal in the motor vehicular accident dated 11th July, 2009.

5. In MACA No.476 of 2018, the insurer has challenged the award mainly on the ground that future prospects to the extent of 40% should have been added instead of 50% as counted by the tribunal.

6. In MACA No.555 of 2018, the main contention of the claimants for enhancement of the compensation amount is that, no amount towards loss of consortium has been granted in favour of the claimants.

7. Upon hearing both parties and considering all such grounds of challenge, a reduced compensation of Rs.40,30,000/- along with 6% interest is proposed to the parties. It needs to be mentioned here that the aforesaid amount is derived adding 40% towards future prospects and granting Rs.40,000/- each to the parents towards consortium. This amount, as derived, is agreed by Mr. Nanda, learned counsel for the claimants and Mr. Deo, learned counsel for the insurer leaves it to the discretion of the court. As such, the compensation amount is fixed to the said extent.

8. In the result both the appeals are disposed of with a direction to the insurer, i.e. National Insurance Co. Ltd. to deposit the modified compensation amount of Rs.40,30,000/- (forty lakhs thirty thousand) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 13th October, 2010, within a period of two months from today, where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be decided by the tribunal.

9. The statutory deposit made by the insurer in MACA No.476 of 2018 before this court along with accrued interest be refunded on proper application and on production of proof of deposit before the tribunal.

10. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge