



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.600 of 2024

***D.M. (Legal), Royal Sundaram
General Insurance Company
Ltd.***

.....

Appellant

Mr. A.A. Khan, Advocate

-versus-

Renubala Mallick & Ors.

.....

Respondents

Mr. P.K. Mishra, Advocate
(Respondent Nos. 1 to 3)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
21.03.2025

Order No.08

1. This matter is taken up through hybrid mode.
2. Heard Mr. A.A. Khan, learned counsel appearing for the Appellant-Company and Mr. P.K. Mishra, learned counsel appearing for the Claimants-Respondent Nos. 1 to 3.
3. The present appeal has been filed by the Appellant-Company challenging Judgment dtd.13.09.2023 so passed by the learned 1st Addl. District Judge-cum-1st MACT, Cuttack in MAC Case No. 345 of 2019. Vide the said Judgment the Tribunal assessed the compensation at Rs.72,37,374/- 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 @ 12%, if the compensation so assessed is not deposited within the stipulated time period.
4. In support of the appeal learned counsel appearing for the Appellant-Company contended that the Tribunal while assessing the compensation should have applied the split multiplier as the



deceased died prior to 3 (three) months of his retirement. It is also contended that as admitted P.W. 1 is getting family pension of about Rs.50,000/-, which was also not taken into consideration by the Tribunal.

4.1. It is also contended that the Tribunal without proper appreciation of the materials placed, while wrongly assessed the compensation at Rs.72,37,374/- along with interest @ 6% per annum, also allowed default interest @ 12% per annum, which is on the higher side.

4.2. 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. Even though Mr. P.K. Mishra, learned counsel appearing for the Claimants-Respondents supported the impugned award, but in course of hearing contended that Claimants-Respondents will have no grievance, if the compensation amount will be reduced to Rs.64,50,000/- 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. Mr. A.A. Khan, 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 appearing for the Parties and considering the submissions made, this Court while waiving out the default interest levied @ 12% per annum, is inclined to reduce the compensation amount to Rs.64,50,000/- along with interest @ 6% per annum payable from the date of filing the claim application till its realization. This Court accordingly while holding so, directs the Appellant-Company to deposit compensation amount of Rs.64,50,000/- 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 proportionately in favour of the Claimants-Respondents in terms of the Judgment passed on 13.09.2023.

7.1. However, it is observed that if the amount as directed will not be deposited by the Appellant-Company within the aforesaid time period of eight (8) weeks, the compensation amount of Rs.64,50,000/- shall carry interest @ 7% per annum for the period starting from the expiry of the period of eight (8) weeks till its payment.

7.2. 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 accordingly disposed of.

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Date: 25-Mar-2025 16:50:14

(BIRAJA PRASANNA SATAPATHY)

Judge