



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.342 of 2022

***Padmabati Majhi and
Others***

.....

Appellants

Mr. B.N. Rath, Advocate

-versus-

***Mahemdubhai A Momin and
Others***

.....

Respondents

Mr. G.P. Dutta, Adv. for
Respondent No.2

Mr. S.K. Mohanty, Advocate for
Respondent No.4

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.07.2025

Order No. 08

I.A. No.2315 of 2024

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. Considering the grounds taken, the delay in filing the appeal is condoned.
4. I.A. stands disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

09. MACA No.342 of 2022

1. Heard learned counsel for the parties.



2. The present appeal has been filed by the Appellant-Claimant seeking enhancement of the compensation so awarded by the learned Addl. District Judge-cum-3rd MACT, Jharsuguda vide Judgment dtd.02.02.2022 in MAC Case No.59/2016. Vide the said Judgment the Tribunal assessed the compensation at Rs.21,36,800/- along with interest @ 9% per annum payable from the date of filing of the claim application till its realization.

3. In support of the enhancement, it is contended that on the face of the evidence laid by the claimants-appellants that the deceased was earning Rs.12,000/- per month, the tribunal without any reason and basis held the same at Rs.9000/- per month and calculated the compensation..

3.1. It is also contended had the Tribunal taken the income at Rs.10,000/- per month, claimants-appellants would have been entitled to get a further compensation amount of Rs.1,92,780/- along with interest. It is accordingly contended that the compensation so awarded requires substantial enhancement.

3.2. However, in course of hearing, learned counsel for the appellant-claimant contended that if this Court will allow further compensation amount of Rs.2,00,000/- consolidated, ends of justice will be met.

4. Learned counsels appearing for the Respondent No. 2- Company while supporting the impugned award, contended that the award has been fully satisfied in the meantime and appellant has no further claim. However, with regard to the submission made for award of further compensation of Rs.2,00,000/- consolidated by the learned counsel for Appellant, leave the same to the discretion of this Court.

5. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while interfering with the



impugned award, is inclined to dispose of the appeal by holding that the Appellant-Claimant is entitled to get further compensation amount of Rs.2,00,000/- consolidated. While holding so, this Court directs Respondent No.2-Company to deposit the aforesaid further compensation amount of Rs.2,00,000/- consolidated 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 Appellant-Claimant in full. Since it is contended that Appellant No.3 has already died and his legal heirs are on record, share as due and admissible to Appellant No.3 be disbursed in favour of Appellant Nos.1, 2 and 4 proportionately in terms of the judgment dated 02.02.2022.

5.1. However, it is observed that if the amount as directed is not deposited by Respondent No.2 within the aforesaid time period, the compensation amount of Rs.2,00,000/- consolidated will carry interest @ 6% per annum payable for the period starting from the expiry of the period of eight (8) weeks till the amount is so deposited.

6. The appeal is accordingly disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Basudev