



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.954 of 2023

Tilottama Basantia and Another

Appellants

Mr. P.K. Mishra, Advocate

-versus-

Manoj Kumar Bardhan & Anr.

Respondents

Mr. G.P. Dutta, Advocate
(Respondent No. 2)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.04.2025

Order No. 03

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.K. Mishra, learned counsel appearing for the Appellants-Claimants and Mr. G.P. Dutta, learned counsel appearing for the Respondent No. 2-Company.
3. The present appeal has been filed by the Appellants-Claimants seeking enhancement of the compensation so awarded by the learned 1st Addl. Sessions Judge-cum- 5th MACT, Athmallik vide Judgment dtd.02.08.2023 in MAC Case No.13/2021. Vide the said Judgment the Tribunal assessed the compensation at Rs.8,77,000/- along with interest @ 6% per annum payable from the date of filing of the claim application till its realization.



4. In support of the enhancement, learned counsel appearing for the Appellants-Claimants contended that since the deceased at the time of his death was more than 16 years, the minimum wages prescribed for an unskilled labourer i.e. Rs.9330/- per month should have been taken as the income of the deceased in place of Rs.5000/-. It is also contended that the Tribunal committed a wrong by not allowing interest from the date of application instead of allowing from the date of judgment.

4.1. It is contended that had the Tribunal assessed the monthly income of the deceased at Rs.9330/- and allowed interest from the date of application, appellants-claimants should have been entitled to get further compensation amount of Rs.6,10,000/- along with interest of Rs.3,25,000/-. It is accordingly contended that the compensation so awarded requires substantial enhancement.

4.2. However, in course of hearing, learned counsel for the appellants-claimants contended that if this Court will allow further compensation amount of Rs.7,50,000/- consolidated, ends of justice will be met.

5. Mr. G.P. Dutta, learned counsel appearing for the Respondent No. 2-Company though supported the impugned award and contended that the award has been fully satisfied in the meantime, but to the submission made for award of further compensation of Rs.7,50,000/- consolidated by the learned counsel for Appellant, leave the same to the discretion of this Court.

6. 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 Appellants-Claimants is entitled to get further compensation amount of Rs.7,50,000/- consolidated. While holding so, this Court directs Respondent No.2-Company to deposit the aforesaid further compensation amount of Rs.7,50,000/- 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 Appellants-Claimants in terms of the Judgment dtd.02.08.2023.

6.1. 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.7,50,000/- 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.

7. The appeal is accordingly disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Basudev

Signature Not Verified

Digitally Signed
Signed by: BASUDEV SWAIN
Designation: SR. STENO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 01-May-2025 11:30:43

