



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1090 of 2023

Divisional Manager, M/s.
National Insurance Co. Ltd.

.....

Appellant
Mr. A.K. Roy, Advocate

-versus-

Padmalaya Mishra & Ors.

.....

Respondents
Mr. B.N. Rath, Advocate
(Respondent Nos. 1 to 4)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
01.05.2025

Order No.07

1. This matter is taken up through hybrid mode.
2. Heard Mr. A.K. Roy, learned counsel appearing for the Appellant-Company and Mr. B.N. Rath, learned counsel appearing for the Claimants-Respondent Nos. 1 to 4.
3. The present appeal has been filed by the Appellant-Company challenging Judgment dtd.19.04.2023 so passed by the learned 1st Additional District Judge-cum-1st MACT, Cuttack in MAC Case No. 974 of 2014. Vide the said Judgment the Tribunal assessed the compensation at Rs.54,94,255/- along with interest @ 6% 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 since the involvement of the offending vehicle was not well proved, the Appellant-Company is not liable to pay the compensation. It is also contended that the Tribunal while assessing the compensation, took the ITRs of last three years of the deceased, even though the ITRs were exhibited with objection. Accordingly, it is contended that the ITRs so exhibited could not have



been taken into account to determine the income of the deceased. It is also contended that the Tribunal failed to appreciate the fact that the income of the deceased from his profession was never proved with production of any financial statement of the Company.

4.1. Making all these submissions, it is contended that the impugned award needs interference of this Court with regard to assessment of the compensation on the higher side.

5. Even though Mr. B.N. Rath, learned counsel appearing for the Claimants-Respondent Nos. 1 to 4 supported the impugned award, but in course of hearing contended that Claimants-Respondent Nos. 1 to 4 will have no grievance, if the compensation amount will be reduced to Rs.47,00,000/- along with interest @ 6% per annum payable from the date of filing of the claim application till its realization.

6. Mr. A.K. Roy, 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 interfering with the impugned Judgment dtd.19.04.2023, held the Claimants-Respondent Nos. 1 to 4 entitled to get compensation amount of Rs.47,00,000/- 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-Company to deposit compensation amount of Rs.47,00,000/- 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 Claimants-Respondent Nos. 1 to 4 in terms of the Judgment passed on 19.04.2023.

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.47,00,000/- shall carry interest @ 7% per annum for the period starting from the expiry of the period of eight (8) weeks till its payment.

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.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 06-May-2025 19:35:33

