



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.21 of 2025

***Divisional Manager, National
Insurance Co., Ltd., Khurda***

.....

Appellant

Mr. M. Sinha, Advocate

-versus-

Laxmipriya Sahoo & Others

.....

Respondents

Mr. P.K. Mishra, Advocate

(for Respondent Nos.1 & 2)

Mr. K. Das, Adv. for Resp. 4 & 5)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

30.04.2025

Order No. 04.

I.A. No. 117 of 2025

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

(BIRAJA PRASANNA SATAPATHY)

Judge

MACA No.21 of 2025

05.1. Heard learned counsel appearing for the Parties.

2. This appeal has been filed challenging the Judgment dtd.31.07.2024 so passed by the learned 3rd M.A.C.T., Nayagarh in M.A.C. Case No.53/2019. Vide the said Judgment the Tribunal assessed the compensation at Rs.49, 78, 688/- along with interest @ 6% per annum payable from the date of filing of the claim application till its realization.



3. In support of the appeal, learned counsel appearing for the Appellant contended that the Tribunal committed grave error in holding the annual income of the deceased at Rs.22,480/-, without proper appreciation of the deduction to be made towards income tax and professional tax from the gross annual income of the deceased.

3.1. It is also contended that the Tribunal while assessing the compensation wrongly awarded compensation towards future prospect @ 50%. It is also contended that award of compensation towards filial consortium exceeding Rs.40,000/- is in the higher side. It is accordingly contended that the impugned award needs interference of this Court.

4. Even though Mr. P.K. Mishra, learned counsel appearing for the Claimants-Respondents supported the impugned award, but in course of hearing contended that the Claimants-Respondents will have no grievance, if the compensation amount will be reduced to Rs.46,00,000/- while confirming the interest awarded @ 6% per annum payable from the date of filing of the claim application till its realization.

5. Mr. Sinha, 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.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while interfering with the impugned Judgment dtd.31.07.2024, held the Claimants-Respondents entitled to get compensation amount of Rs.46,00,000/- 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.46,00,000/- 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-Respondents proportionately in terms of the Judgment passed on 31.07.2024.

6.1. 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.46,00,000/- shall carry interest @ 7% per annum for the period starting from the expiry of the period of eight (8) weeks till its payment. On such deposit of the entire amount as directed, Appellant-Company will be permitted to take back refund of the statutory deposit along with accrued interest, if any, from the Registry on proper identification.

7. The appeal is accordingly disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Subrat

Signature Not Verified

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Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-May-2025 18:40:19

