
(2022) 08 OHC CK 0150
In the Orissa High Court
Case No : MACA No.835 Of 2007

Kamala Jena And Another

APPELLANT

Vs

Raj Kishore Pradhan And Others

RESPONDENT

Date of Decision : 22-08-2022

Acts Referred:

Citation : (2022) 08 OHC CK 0150

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : B.Mohanty, G.P.Dutta

Final Decision : Disposed Of

Judgement

B.P. Routray

- 1.The matter is taken up through Hybrid mode.
2. Heard Mr.Mohanty, learned counsel for the Appellants and Mr.Dutta, learned counsel for Insurer-Respondent No.2
3. Present appeal by the claimants-Appellants is against the judgment dated 5th April, 2007 of the 1st M.A.C.T., Cuttack in Misc.Case No.806 of 2004, wherein compensation to the tune of Rs.1,25,000/- has been granted along with interest @6% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident on 11th October, 2004.
4. It is submitted by Mr.Mohanty, learned counsel for the Appellants that despite the deceased was a boy aged about 22 years on the date of accident, the Tribunal took multiplier 10 instead of 18 in terms of the table prescribed in the case of Sarla Verma v. DTC, (2009) 6 SCC 121. It is further submitted that neither any future prospects nor any filial consortium has been granted by the Tribunal.

5. Upon hearing Mr.Dutta, learned counsel for the Insurer-Respondent No.2 and considering all such submissions which are found true on perusal of the impugned judgment, a further consolidated compensation of Rs.2,50,000/-(two lakhs fifty thousand) is proposed to the parties in course of hearing. This is agreed by Mr.Mohanty, learned counsel for the claimants-Appellants. Mr.Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. As such, the amount is fixed to that extent.

5. The Insurer-Respondent No.2 is directed to deposit the enhanced consolidated compensation of Rs.2,50,000/- (Two lakhs fifty thousand) before the Tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimants on such terms and proportion to be fixed by the Tribunal.

6. With aforesaid modification in the compensation amount, the appeal is disposed of.

7. Urgent certified copy of this order be granted on proper application.

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