

(2023) 03 OHC CK 0169

In the Orissa High Court

Case No : MACA No.556 Of 2018 & MACA No.410 Of 2018

Manager (Legal Claims), Shriram General Insurance Co.Ltd	APPELLANT
Vs	
Krushna Chandra Dehury Since Dead Through Lrs And Others	RESPONDENT

Date of Decision : 23-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0169

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

Bench : Single Bench

Advocate : A.A.Khan, B.N.Rath

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Khan learned counsel for the Insurer and Mr.Rath, learned counsel for the Claimants.
3. Both the appeals arise out of same judgment dated 21st December, 2017 passed by the learned Additional District Judge-cum-4th M.A.C.T., Keonjhar, in M.A.C. Case No.51/29 of 2016-14, wherein compensation to tune of Rs.5,20,040/- along with interest @6% per annum has been granted from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 13th November, 2013.
4. MACA No.556 of 2018 has been filed by the Insurance Company challenging the award, whereas MACA No.410 of 2018 has been filed by the claimants praying for enhancement of the compensation amount.
5. Mr.Khan while advancing his submission disputes involvement of the offending vehicle i.e. Tipper bearing registration no.OR-09-D-5681 in the accident. In this regard, it is submitted that the vehicle details was not mentioned in the F.I.R.

and has subsequently been implanted to manage the compensation amount. This submission of Mr.Khan is rejected outright keeping in view the fact that the police upon completion of investigation have submitted the charge-sheet against the accused driver of the offending vehicle stating its involvement and secondly, no evidence has been adduced from the side of Insurance Company in support of such contention.

6. As regards to quantification of the compensation amount, it is seen that admittedly no future prospects has been added to the income of the deceased. It is further seen that an amount of Rs.1,10,000/- has been granted towards general damages including loss of consortium. Such computation made by the Tribunal being found erroneous against the approved principles, the computation is made afresh by this court.

7. Confirming the income of the deceased at Rs.4,020/- as calculated by the Tribunal and adding future prospects to the extent of 40% thereon, the loss of dependency is determined at Rs.5,74,056/-. Adding Rs.40,000/- towards filial consortium to the mother of deceased and Rs.30,000/- towards loss of estate and funeral expenses, total compensation is determined at Rs.6,44,056/- (Six lakhs forty four thousand fifty six), payable along with interest @6% per annum.

8. In the result, both the appeals are disposed with a direction to the Insurer to deposit a sum of Rs.6,44,056/- (Six lakhs forty four thousand fifty six) along with interest @6% per annum before the Tribunal from the date of filing of the claim application 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.

9. The statutory deposit made by the Appellant in MACA No.556 of 2018 along with accrued interest thereon be refunded to him on proper application and on production of proof of deposit of the award amount before the learned Tribunal.

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

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