



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.990 of 2023

Ashok Kumar Panda

.....

Appellant

Mr. B.P. Mohanty, Advocate

-versus-

Chaila Sahoo & Ors.

.....

Respondents

Mr. N.B. Sarkar, Advocate

(Respondent No. 2)

Mr. S. Roy, Advocate

(Respondent No. 3)

Mr. G.P. Dutta, Advocate

(Respondent No. 4)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

17.03.2025

Order No.05

1. This matter is taken up through hybrid mode.
2. Heard Mr. B.P. Mohanty, learned counsel appearing for the Appellant-Claimant, Mr. N.B. Sarkar, learned counsel appearing for the Respondent No. 2, Mr. S. Roy, learned counsel appearing for Respondent No. 3 and Mr. G.P. Dutta, learned counsel appearing for Respondent No. 4.
3. The present appeal has been filed by the Appellant-Claimant seeking enhancement of the compensation so awarded by the 4th MACT, Puri vide Judgment dtd.15.09.2023 in MAC Case No. 47 of 2013.
4. Learned counsel appearing for the Appellant-Claimant contended that on the face of the claim made to the tune of Rs.6,00,000/-, the Tribunal without proper appreciation of the materials placed before it, only awarded compensation amount of Rs.46,970/- along with



interest @ 9% per annum payable from the date of filing of the claim application till its realization.

4.1. In support of the enhancement of the award, learned counsel appearing for the Appellant-Claimant contended that compensation awarded towards loss of earning during the period of treatment and towards pain and suffering has been assessed at a lower side.

4.2. However, in course of hearing learned counsel appearing for the Appellant-Claimant contended that if this Court will allow further compensation amount of Rs.35,000/- consolidated, Appellant-Claimant will have no grievance.

5. Mr. S. Roy, learned counsel appearing for the Respondent No. 3-Company though supported the impugned award and contended that the award has already been satisfied with, but to the submission made for award of further compensation of Rs.35,000/- consolidated to the learned counsel for Appellant, left the same to the discretion of this Court.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court is inclined to dispose of the appeal by holding the Appellant-Claimant entitled to get further compensation amount of Rs.35,000/- consolidated. While holding so, this Court directs Respondent No. 3-Company to deposit the aforesaid compensation amount of Rs.35,000/- 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 Appellant-Claimant in full.



6.1. However, it is observed that if the amount as directed is not deposited within the aforesaid time period, the compensation amount of Rs.35,000/- 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

Sneha