

IN THE HIGH COURT OF ORISSA AT CUTTACK

M.A. No.154 of 1995

Pitabasa Sahoo

....

Appellant

-versus-

Kshetrabashi Jena & Anr.

....

Respondents

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

30.06.2022

Order No

- 15.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Biswojit Mohanty, learned counsel appearing for the Appellant, who has been entrusted with the brief after the sad demise of Mr. B.K. Mishra and Mr. Sinha, learned counsel appearing for the Respondents-Company.
3. This appeal has been filed challenging the order dtd.24.02.1994 passed in Misc. Case No.93 of 1983 by the learned 2nd MACT, Cuttack.
4. It is submitted that due to the injury caused to the Appellant, though the Claim Petition was filed claiming compensation amount of Rs.50,000/- (Rs. Fifty thousand) and in support of such injury, relevant documents were exhibited, but learned Tribunal without proper appreciation of the said documents and the nature of injury sustained by the Appellant, awarded compensation amount of Rs.20,000/- (Rs. Twenty thousand) only. It is also submitted that learned Tribunal did not also take into consideration the period of treatment undergone by the injured Appellant. It is accordingly

submitted that the compensation awarded by the learned Tribunal be enhanced suitably by this Court taking into account the nature of injury and the period of treatment undergone by the Appellant.

5. Mr. Sinha, learned counsel appearing for the Company on the other had supported the impugned Judgment and submitted that learned Tribunal has rightly assessed the compensation by awarding compensation amount of Rs.20,000/- (Rs. Twenty thousand) and no interference is called for by this Court.

6. Heard learned counsel appearing for the Parties. Perused the materials available on record and after due consideration of the same, this Court when came to a conclusion that the Appellant-Claimant is entitled to get further compensation amount of Rs.20,000/- (Rs. Twenty thousand) consolidated, Mr. Mohanty, learned counsel appearing for the Appellant supported the said view of this Court. Mr. Sinha, learned counsel appearing for the Company on the other hand left the same to the discretion of this Court.

7. In view of such stand taken by the learned counsel appearing for the Parties, this Court while disposing the appeal, held the Appellant entitled to get further compensation amount of Rs.20,000/- (Rs. Twenty thousand) consolidated. While holding so, this Court directs the Respondent-Company to pay the aforesaid amount of Rs.20,000/- (Rs. Twenty thousand) consolidated in favour of the Appellant within a period of eight (8) weeks from the date of receipt of this Order.

8. The appeal is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha