

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.643 of 2017

Rashmiranjan Pothal

....

Appellant

Mr. D.C. Dey, Advocate

-versus-

Ajay Badajena and another

....

Respondents

Mr. G.P. Dutta, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

19.10.2022

Order No.

07.

1. Heard Mr. D.C. Dey, learned counsel for the Appellant-claimant as well as Mr. G.P. Dutta, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimant is directed against the award dated 24.04.2017 of the learned 4th MACT, Cuttack in MAC No.110 of 2012/302 of 2015 wherein the learned Tribunal has granted compensation to the tune of Rs.9,60,000/- along with interest @6% per annum to the claimant from the date of filing of the claim application i.e.12.03.2012 on account of injury sustained by him in the motor vehicular accident dated 14.12.2011.

3. It is submitted by Mr. Dey that, the learned Tribunal has granted lesser amount of compensation by ignoring actual cost of attendant charges, future medical expenses as well as by applying 80% loss of income instead of 100%.

4. Upon hearing Mr. Dutta and perusal of the impugned judgment, it is seen that the Tribunal has granted Rs.4,60,800/- towards loss of future income to the extent of 80%, Rs.4,00,000/- towards medicinal expenses including attendant charges etc., Rs.50,000/- towards loss of amenities and future discomfort and Rs.50,000/- towards pain and suffering.

5. Considering nature of permanent disability of the Appellant, his age, loss of prospects of life, the date of accident and future expenses to be incurred for further treatment, a further consolidated sum of Rs.5,00,000/- (rupees five lakhs) is granted in favour of the Appellant.

6. In the result, the appeal is disposed of with a direction to Respondent No.2 – Insurance Company to deposit the further consolidated sum of Rs.5,00,000/- before the Tribunal within a period of two months from today, where-after the same shall be disbursed to the claimant on such terms and proportion to be decided by the learned Tribunal.

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

(B.P. Routray)
Judge