

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.315 of 2003

Sarbeswar Nayak

....

Appellant

Mr. J.R. Das, Advocate

-versus-

Dhobei Chandra Senapati and Others

Respondents

Mr. S.R. Pattnaik, Advocate for Respondent No.4
Mr. G.C. Samantray, counsel for Respondent No.3

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
5.9.2022

Order No.

16. 1. The matter is taken up through hybrid mode.
2. Heard Mr. J.R. Das, learned counsel for the claimant – Appellant, Mr. G.C. Samantary, learned counsel for Respondent No.3 – New India Assurance Co. Ltd. and Mr. S.R. Pattnaik, learned counsel for Respondent No.4 – National Insurance Co. Ltd.
3. Present appeal by the claimant is against the impugned judgment dated 8th October, 2002 of the learned 4th MACT, Puri passed in MACT Misc. Case No.279/742 of 1994/93 wherein compensation to the tune of Rs.10,000/- along with interest @ 9% per annum from the date of filing of the claim application, i.e. 23rd December, 1993 has been granted on account of injuries sustained by the claimant in the motor vehicular accident dated 17th August, 1993.

4. Mr. Das, learned counsel submits on behalf of the Appellant that the amount granted by the tribunal is meager and the same needs to be enhanced.

5. Upon hearing all the parties and considering the nature of injuries mentioned in the injury report under Ext.10 and other documents relied on by the injured-claimant in support of his claim of treatment in SCB Medical College and Hospital, Cuttack, a further consolidated sum of Rs.1,00,000/- is proposed to the parties. This is agreed by Mr. Das, learned counsel for the injured-claimant and Mr. Samantray as well as Mr. Pattnaik, learned counsels for the insurers Respondent Nos.3 & 4 respectively leave it to the discretion of the Court. As such the further enhanced amount is fixed to the above extent.

6. In the result, the appeal is disposed of with a direction to the insurers – Respondent Nos.3 & 4 to deposit a further consolidated sum of Rs.1,00,000/- (one lakh) in equal proportion, i.e. Rs.50,000/- by each, before the tribunal within a period of two months from today; where-after the same shall be disbursed in favour of the claimant – Appellant on such terms and proportion to be decided by the learned Tribunal.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge