

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.757 of 2003

Bharat Kumar Behera

..... ***Appellant***
Mr.S.K.Mohanty, Advocate

-versus-

Giridhari Sahoo and another

.... ***Respondents***
Mr.P.K.Panda, Advocate for Respondent No.2

**CORAM:
JUSTICE B. P. ROUTRAY**

ORDER
05.8.2022

Order No.

14.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mohanty, learned counsel for the claimant-Appellant and Mr.Panda, learned counsel for Respondent No.2-Insurer.
3. Present appeal by the claimant is directed against the judgment dated 20th August, 2003 in respect of refusal by the Tribunal to grant compensation in Misc.Case No.792 of 1994 on the ground of alleged injuries sustained by the claimant in the motor vehicular accident dated 24th October, 1994.
4. Having heard both parties and upon perusal of the impugned judgment, it reveals that in the opinion of the Tribunal, the claimant was not able to establish his case about sustenance of injury in the alleged accident involving offending vehicle.
5. Upon examination of the contentions and the evidences adduced before the tribunal as reflected in the impugned judgment, there are lots of discrepancies in the oral evidence adduced by each alleged eyewitnesses and the pleadings made in

the claim application. Further, the police report does not suggest any negligence attributable on the part of the driver of the offending vehicle towards the cause of accident. Upon examining the contentions of the parties in the appeal, no such fault could be found in the analysis of the Tribunal for arriving such conclusion in Issue No.2 that the claimant has failed to establish his case that the accident was the result of rash and negligence driving on the part of the driver of the offending truck.

6. As such, the appeal is dismissed being without any merit.



C.R.Biswal