

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.814 OF 2006

From the Judgment dated 23.11.2005 passed by the learned 1ST Motor Accident Claims Tribunal, Keonjhar in M.A.C. Case No.02 of 1991.

Sanjib Kumar Sahoo

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Appellant

-versus-

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Md. Sabir & Another

Respondents

For Appellant : M/s. S.K. Mohanty, Advocate

For Respondents : M/s. S.K. Swain, Advocate

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 11.05.2022 & Date of Order: 17.5.2022

Biraja Prasanna Satapathy, J.

1. Heard Mr. S.K. Mohanty, learned counsel for the claimant-appellant and Mr. S.K. Swain, learned counsel appearing for the Respondents-company.
2. This appeal has been filed by the claimant-appellant seeking enhancement of the compensation so awarded by the learned Tribunal vide judgment dated 23.11.2005 in M.A.C. Case No.2 of 1991.

3. Mr. Mohanty, learned counsel for the claimant-appellant submitted that the claimant-appellant taking into account the injury sustained due to the accident caused on 20.10.1990 raised the claim in MAC Case No.2 of 1991 to the extent of Rs.1,00,000/-.

4. It is submitted that in support of injury as well as the treatment claimant-appellant filed various documents and all those documents were exhibited but the learned Tribunal without proper appreciation of the same only allowed compensation of Rs.13,000/-. Accordingly, Mr. Mohanty prayed for enhancement of the said compensation suitably by this Court.

5. Mr. Swain, learned counsel appearing for the respondent-Company on the other hand submitted that the learned Tribunal taking into account the materials placed before it rightly assessed the compensation at Rs.13,000/- and the said amount has already been disbursed in favour of the claimant. It is accordingly prayed that no interference is called for by this Court.

6. Heard learned counsel for the parties. Perused the materials available on record.

7. After going through the same, this Court finds that the petitioner because of his injury not only remained as a indoor patient for around 17 days, but also he has incurred substantial amount towards his treatment. The claimant-appellant also exhibited the documents in support of his treatment.

8. Learned Tribunal on the face of the claim raised by the appellant has only allowed compensation of Rs.13,000/-. Therefore, taking into account the materials placed before this Court, this Court when came to a conclusion that the appellant will be entitled to get further compensation amount of Rs.25,000/- consolidated. Mr. Mohanty, learned counsel for the appellant supported the aforesaid view of this Court.

Mr. Swain, learned counsel for the respondent-company on the other hand, left the same to the discretion of the Court.

9. In view of such stand taken by the learned counsel for both the parties, while interfering with the impugned judgment, this Court while disposing the appeal directs the respondents-company to pay further compensation of Rs.25,000/- consolidated in favour of the claimant-

appellant within a period of eight weeks from the date of receipt of this order.

10. It is however observed that if the appellant-company fails to deposit the compensation amount as directed hereinabove within the time stipulated, the claimant-appellant will be entitled to get interest on the said consolidated amount of Rs.25,000/- for the period starting from expiry of the period of eight weeks till the date of payment.

11. The appeal is accordingly disposed of with the aforesaid observations and directions.

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B.P. Satapathy, J.

Orissa High Court, Cuttack
Dated the 17th May, 2022/sangita