

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.213 of 2004

Kumari Rashmita Biswal

....

Appellant

-versus-

Harekrushan Pradhan & Ors.

....

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
09.03.2022**

Order No

08. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Appellant and learned counsel appearing for Respondent Nos.3 & 4.

3. The appellant is aggrieved by the order passed by the learned 1st Additional District judge –cum- 3rd MACT, Puri in refusing the claim of the Appellant herein in MAC Case No.142/157 of 2001/87 vide judgment dated 07.02.2004.

4. It is the submission of Mr. Mohanty, learned counsel appearing for the appellant that learned Tribunal while rejecting the claim of the Petitioner vide the impugned judgment has not taken into consideration the documents

exhibited by the Appellant in support of his injury occurred due to the accident on 27.11.1986.

5. Accordingly, while praying to set aside the said judgment Mr. Mohanty, learned counsel for the Appellant prays for award of compensation in favour of the Appellant.

6. Per contra learned counsel appearing for the respondent Nos. 3 and 4 supported the judgment by holding that learned Tribunal has rightly rejected the claim of the appellant.

7. After hearing the learned counsel for the Parties, since this is a very old Appeal arising out of Motor Accident Claim case, I propose to dispose of the same in the spirit of Lok Adalat and counsels appearing for the respective Parties also agreed to the same.

8. Having heard the counsel for both the Parties, I found that learned Tribunal while rejecting the claim of the Appellant has not taken into consideration the documents exhibited by the Appellant in support of his injury more particularly Ext.1.

9. In view of such uncontroverted documents exhibited by the Appellants, learned Tribunal should not have rejected the claim of the Appellant in toto.

10. It was also submitted by Mr. Mohanty, learned counsel for the Appellant that learned Tribunal while deciding similar claim has allowed compensation in favour of some other claimants in MAC Case NO.449/150 of 1990/1987.

11. Be that as it may, since learned Tribunal has not taken into consideration the relevant documents in support of the injury sustained by the Appellant, the rejection of the claim in my opinion is not legal and justified.

12. Accordingly, I held the Appellant entitled to get consolidated sum of Rs.30,000/- towards the compensation.

13. The aforesaid amount of Rs.30,000/- shall be jointly paid by the Respondent Nos.3 and 4 in equal proportion within a period of eight weeks from today.

14. Accordingly, the Appeal is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha