

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.106 of 2009

Krushna Chandra Mallik

....

Appellant

-versus-

Manoranjan Panda & Ors.

....

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
16.03.2022**

Order No

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

2. Heard Mr. K.C. Nayak, learned counsel appearing for the Appellant and Mr. G.P. Dutta, learned counsel appearing for Respondent-Company.

3. The present Appeal has been filed by the Appellant seeking enhancement of the compensation awarded by the learned Tribunal in M.V. Misc. Case No.11 of 2003 vide judgment dated 27.09.2008.

4. Learned Tribunal vide the said judgment directed the Respondent-Company to pay a sum of Rs.5,000/- as compensation with interest @ 6% per annum from 06.09.2008 till its realization.

5. Mr. Nayak, learned counsel for the Appellant in support of his claim for enhancement submitted that learned Tribunal while deciding the matter has not taken into consideration the nature of injury sustained by the Appellant and the period he remained as an indoor patient.

6. It was also submitted by Mr. Nayak, learned counsel for the Appellant that though the claim was made for award of compensation amount of Rs.90,000/- (Rupees ninety thousand), but the learned Tribunal without proper appreciating of the claim vis-à-vis the documents exhibited in support of the injury, only awarded compensation amount of Rs.5,000/- with interest @ 6% per annum and that too from 06.09.2008.

7. Per contra Mr. G.P. Dutta, learned counsel appearing for the Respondents-Company while supporting the judgment prayed for dismissal of the Appeal.

8. Having heard learned counsel for the Parties, taking into account the injury sustained by the Appellant and the period of the Appellant remained as an indoor patient, I propose to enhance the compensation amount to Rs.20,000/- consolidated.

9. While the view of this Court for enhancement of compensation by Rs.20,000/- consolidated was accepted by the learned counsel for the Appellant, Mr. Dutta, learned counsel for the Respondent-Company left the same to the discretion of this Court.

10. In view of such stand of the learned counsel appearing for the parties, while interfering with the judgment dated 27.09.2008, I direct the Respondent-Company to pay a further sum of Rs.20,000/- consolidated to the Appellant within a period of eight weeks from the date of receipt of the certified copy of this order.

11. Accordingly, the Appeal is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

