

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.341 of 2007

Jayanta Kumar Behera

....

Appellant

Mr. Sarat Kumar Mohanty, Advocate

-versus-

Ratan Kumar Sarangi and Others

....

Respondents

Mr. M. Sinha, counsel for Respondents 3 & 4

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER
08.02.2022

Order No.

- 13.
1. Heard Mr. S.K. Mohanty, learned counsel for the claimant – Appellant and Mr. M. Sinha, learned counsel for the insurer – Respondent Nos.3 and 4.
 2. Present appeal by the claimant has been filed challenging impugned judgment dated 23rd April, 2005 of the learned 1st MACT, Keonjhar in MAC Case No.8 of 1992.
 3. The case of the claimant is that he sustained injuries in the accident took place on 9th July, 1991 while he was travelling in the truck as a labourer.
 4. The learned tribunal upon adjudication, has come to the conclusion that the claimant could not establish his case for sustenance of any injury in the accident as neither the charge-sheet nor the injury report supports his case.

5. It is submitted by Mr. Mohanty, learned counsel for the Appellant that in the injury report the name of the Appellant has been wrongly mentioned as 'Bulu Behera' instead of 'Jayanta Kumar Behera' but as his father's name remains same. So there should not be any ambiguity with regard to the injury.

6. Upon hearing both parties and perusal of the LCR, it reveals that the charge-sheet does not reveal the name of the Appellant as one of the injured though it is mentioned that one person in the accident succumbed to the injuries. However the injury report under Ext.4 reveals the name of the injured as Bulu Behera, son of Babaji Behera of village Khunta. A thorough perusal of Ext.1 (charge-sheet) and Ext.4 (injury report) does not establish any connection with the present Appellant to opine that he is the same person who sustained injuries in the accident. Apart from this, it reveals from Ext.4 that the nature of injury was swelling with blackening of right eye which is simple in nature. The accident took place on 9th July, 1991.

7. Considering all such facts, no merit is seen in the present appeal. Accordingly, the appeal is dismissed.

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

(B.P. Routray)
Judge