

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.935 of 2012**

***Jinataman Sahu***

.... ***Appellant***  
Mr.P.K.Mishra, Advocate

**-versus-**

***Bhagirathi Dehury and another***

.... ***Respondents***  
None

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

**ORDER  
03.11.2022**

**Order No.**

6.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra, learned counsel for the Appellant.
3. None appears for the Insurer-Respondent No.2 despite the name of set of lawyers indicated in the list.
4. Present appeal by the injured claimant is directed against the judgment dated 26<sup>th</sup> June, 2012 passed by the Member, 2<sup>nd</sup> M.A.C.T., N.D., Sambalpur, in M.A.C. Case No.142 of 2002(D), wherein compensation to the tune of Rs.50,000/- has been granted along with interest @ 6% per annum with effect from the date of filing of the claim application on account of injury sustained by the claimant in the motor vehicular accident dated 2<sup>nd</sup> March, 2002.
5. Mr.Mishra, learned counsel for the injured claimant submits that despite the injured sustained permanent disability of

35%, but no compensation has been granted on that count. It is further submitted that the Tribunal has disbelieved the permanent disablement of the injured as stated in the disability certificate under Ext.6.

6. Perusal of the impugned judgment reveals that injured is a minor girl child aged about five years at the time of accident. The accident took place on 2<sup>nd</sup> March, 2002 and as per the claim, the injured remained as indoor patient from 2<sup>nd</sup> March, 2002 to 13<sup>th</sup> March, 2002 in the district headquarter hospital, Angul.

7. Admittedly, the disability certificate under Ext.6 suggesting 35% Ortho disability is dated 7<sup>th</sup> December, 2010. As seen from the evidence of P.W.1, the father of the injured girl, though he has said that his daughter sustained such injuries in the accident but did not say anything specifically that such injuries caused to his daughter in the year 2002 would lead to such disability mentioned under Ext.6. However, considering the nature of injuries stated in the injury report under Ext.4, the discharge certificate under Ext.5 and the nature of disability mentioned in Ext.6, the contention of the claimant cannot be completely discarded. However, this disability mentioned in Ext.6, does not speak of any deformity caused to the injured.

8. The Tribunal has granted total compensation of Rs.50,000/- on the count of medical expenditure to the tune of Rs.20,000/-, Rs.10,000/- for pain and suffering and Rs.20,000/- for future inconvenience. In the circumstances, considering the nature of disability mentioned in Ext.6 and the status of the

injured as a girl child, in the opinion of this Court, a further consolidated sum of Rs.1,50,000/- would suffice the purpose.

9. In the result, the appeal is disposed of with a direction to the Insurer-Respondent No.2, i.e. Oriental Insurance Co. Ltd. to deposit a further consolidated sum of Rs.1,50,000/-(One lakh fifty thousand) before the Tribunal within a period of two months from today, which shall be paid to the injured-claimant, namely, Jinataman Sahu on such terms and proportion to be decided by the Tribunal.

10. Copies of the deposition of P.W.1, Ext.6, Ext.4 and Ext.5 as produced by Mr. Mishra are kept on record.

11. Urgent certified copy of this order be granted on proper application.

**( B.P. Routray )**  
**Judge**

*C.R.Biswal*