

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.155 of 2019

Gopi Khara

....

Appellant

Mr. Dhananjay Mund, Advocate

-versus-

Trinath Patra and Another

....

Respondents

Mr. P.K. Mahali, counsel for Respondent No.2

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

9.5.2022

Order No.

- 07.
1. Heard Mr. D. Mund, learned counsel for the claimant – Appellant and Mr. P.K. Mahali, learned counsel for insurer – Respondent No.2.
 2. Present appeal by the claimant has been filed challenging the judgment dated 9th November, 2018 of learned 4th MACT, Koraput passed in MAC No.13 of 2014 wherein compensation to the tune of Rs.1,35,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 16th October, 2014 has been granted on account of injuries sustained by the claimant in the motor vehicular accident dated 22nd August, 2013.
 3. It is submitted on behalf of the appellant that the learned Tribunal has failed to appreciate the mental impairment of the Appellant due to the injuries sustained in the accident leading to his

madness subsequently. As such, it is prayed to enhance the compensation amount on the said ground.

4. Upon hearing Mr. Mahali, learned counsel for the insurer and perusal of the impugned judgment, it reveals that the permanent disability certificate under Exhibit-10 is dated 16th January, 2017 and the accident in question occurred on 22nd August, 2013. Neither the disability certificate nor any other document exhibited on behalf of the claimant discloses any connection of such disability with the injuries sustained in the accident. No material has been produced from the side of the claimant, except the oral statement of the wife of the claimant (P.W.1) that, the claimant developed mental illness or lunacy for any such injury due to the accident after one year. In absence of any material evidence, the tribunal has refused to believe such statement of P.W.1 and disbelieved any connection of mental retardation of the claimant with the accident. No infirmity is seen in said approach of the tribunal in absence of any material evidence to that effect. As such, no reason is found to interfere with the impugned award.

5. In the result the appeal is dismissed.

(B.P. Routray)
Judge