

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.93 of 2020

Laxmidhar Garanayak

Appellant
Mr.P.K.Nayak, Advocate

-versus-

Soumya Ranjan Naik and another

....

Respondents

Mr.G.P.Dutta, Advocate for Respondent No.2

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

**ORDER
28.7.2022**

Order No.

05.

I.A.No.184 of 2020

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Nayak, learned counsel for the Appellant and Mr.Dutta, learned counsel for Respondent No.2.
3. Upon hearing both the parties and considering the grounds mentioned in the petition, delay in filing the appeal is condoned.

4. The I.A. is disposed of.

MACA No.93 of 2020

5. Present appeal by the Appellant is against the judgment dated 27th February, 2019 of the Addl. District and Sessions Judge-cum-Third M.A.C.T., Talcher in MAC Case No.90 of

2016, wherein compensation to the tune of Rs.7,78,621/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application on account of injuries sustained by the claimant in the motor vehicular accident on 4th July, 2015.

6. It is submitted on behalf of the Appellant that he was a LIC agent by profession and his functional disability should be counted at least upto 50% against the finding of the Tribunal up to 20%.

7. Upon hearing Mr.Dutta, learned counsel for the Insurer and having examined the contentions put forth on behalf of the Appellant-claimant and after perusal of the impugned judgment, it reveals that in the opinion of the Tribunal the injured-claimant was quite normal and fit without any cognitive impairment. He answered all questions during his cross-examination very intelligently. As such the approach of the Tribunal to count his functional disability up to 20% is cannot be faulted with.

8. Further, nothing is seen from the record about any evidence adduced by the claimant to substantiate his contention that he was a LIC agent by profession. So in absence of any credible evidence in support of such contention, the same is rejected.

9. However, considering the sufferings of the claimant, the Insurer-Respondent No.2 is directed to pay a further consolidated sum of Rs.50,000/-(Fifty thousand) to him (claimant-Appellant) within a period of two months from today

by depositing the same before the Tribunal, where-after the same shall be disbursed in favour of the claimant.

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

(B.P. Routray)
Judge

C.R.Biswal

