

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.888 of 2017

Sk.Rajuddin

.... ***Appellant***
Mr.S.K.Bhuyan, Advocate

-versus-

Ansuman Chiranjibi and others

.... ***Respondents***

Mr.B.Dasmohapatra, Advocate for Respondent No.3
Ms.S.Das, Advocate for Respondent No.4

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

**ORDER
22.8.2022**

Order No.

08.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Bhuyan on behalf of Mr.K.K.Rout, learned counsel for the claimants and Mr.Dasmohapatra, learned counsel for Respondent No.3 i.e. United India Insurance Co. Ltd. as well as Ms.S.Das on behalf of Mr. P.K. Mohanty, learned counsel for Respondent No.4 i.e. National Insurance Co. Ltd..
3. Present appeal by the claimant is directed against the judgment dated 9th May, 2017 of the 5th M.A.C.T., Baripada, Mayurbhanj, in MAC Case No.84 of 2014, wherein compensation to the tune of Rs.1,50,000/- has been granted along with interest @7.5% 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 on 20th July, 2014.

4. It is contended on behalf of the Appellant that the Tribunal did not grant any compensation towards loss of earning and earning capacity despite the fact that the claimant sustained disability of 45% as per the Disability Certificate under Ext.9.

5. Mr. Dasmohapatra and Ms. Das, both oppose the prayer for enhancement by submitting that the stated disability as per Ext.9 is temporary in nature.

6. Upon hearing both parties and perusal of copy of Ext.9 as produced in course of hearing by the Appellant, it reveals that the disability is in the nature of post traumatic limited motion of right shoulder and left wrist. It is further mentioned in Ext.9 that there shall be a reassessment of such disability after 1st November, 2020.

7. The claimant-injured sustained fracture injury of right hand and his left hand was broken into two pieces. He was under treatment for a considerable period. Though the Tribunal has granted compensation under various heads totaling to Rs.1,50,000/-, but no amount was granted on the count of loss of earning or loss of earning capacity. Thus, considering the probable loss of earning of the Appellant keeping in view the nature of injuries and loss of his future earning capacity commensurate to the extent of disability mentioned in Ext.9, in my considered opinion, a further consolidated sum of Rs.1,50,000/- (one lakh fifty thousand) would suffice the purpose.

8. Accordingly, the appeal is disposed of with a direction to Respondent Nos.3 & 4, i.e., United India Insurance Co. Ltd. & National Insurance Co. Ltd. respectively to pay the enhanced

consolidated sum of Rs.1,50,000/-(One lakh fifty thousand) in 2:1 ratio i.e. Respondent No.3 to pay a sum of Rs.1,00,000/- (One lakh) and Respondent No.4 to pay a sum of Rs.50,000/- (fifty thousand) 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-Appellant.

9. The copy of Ext.9 filed in Court is kept on record.

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

(B.P. Routray)
Judge

C.R.Biswal

