

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.9 of 2012

Sangram Keshari Patnaik ***Appellant***

Mr.Durga Charan Dey, Advocate

-versus-

Swarnalata Das and others ***Respondents***

Mr.Santosh Kumar Mohanty, Advocate for Respondent No.3

Mr.Mohitosh Sinha, Advocate for Respondent No.4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
09.02.2022

Order No.

16.

1. Heard Mr.Dey, learned counsel for the Appellant and Mr.Mohanty, learned counsel for Respondent No.3 as well as Mr.Sinha, learned counsel for Respondent No.4.

2. The Appellant has prayed for enhancement of compensation as directed by the learned 2nd Addl. District Judge-cum-M.A.C.T., Cuttack in M.A.C.No.18 of 1995 on account of injuries sustained by him in the motor vehicular accident. The learned Tribunal has directed for payment of compensation to the tune of Rs.1,77,576/- and both the Insurers are held liable to pay the compensation in equal proportion.

3. It is submitted by the parties that the compensation amount has already been realized as per the direction of the learned Tribunal.

4. Upon hearing all the parties and perusal of the impugned judgment, it reveals that the extent of disability is up to 45% due

to deformity in the right upper limb and elbow. It is also opined by the doctor that such disability is curable in future.

5. In the given facts and circumstances of the case, keeping in view the nature of injuries and the treatment undergone as well as the extent of disability, a further consolidated sum of Rs.40,000/- is proposed as enhanced compensation to which the Appellant agrees and both the learned counsels for the Insurers leave it to the discretion of the Court.

6. Accordingly, Respondent Nos.3 & 4 (i.e., both the Insurers) are directed to pay the aforesaid enhanced consolidated amount of Rs.40,000/- (forty thousand) in equal share i.e., Rs.20,000/- each to the appellant within a period of eight weeks from today.

7. With the aforesaid directions, the appeal is disposed of.

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

(B.P. Routray)
Judge