

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.322 of 2020

Kailash Chandra Nayak

.... ***Appellant***
Mr.S.Sen, Advocate

-versus-

Bijaya Kumar Dhal and another

.... ***Respondents***
Mr.S.Roy, Advocate for Respondent No.2

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

ORDER
25.8.2022

Order No.

8.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Sen, learned counsel for the claimant-Appellant and Mr.Roy, learned counsel for Insurer-Respondent No.2.
3. Present appeal by the claimant-injured is directed against the common judgment dated 30th August, 2019 passed by learned Second Motor Accident Claims Tribunal, Cuttack in Misc.Case Nos.835 & 836 of 2008, wherein the learned Tribunal has refused to grant any compensation in favour of the Appellant (in Misc. Case Nos.835 of 2008) by disbelieving his case of sustenance of injury in the accident.
4. It is submitted by the Appellant that since he did not examine himself, the Tribunal disbelieved his case of injury despite certified copies of the injury reports were filed.

5. Upon hearing Mr. Roy for the Insurer-Respondent No.2 and perusal of the impugned judgment reveals that in paragraph-10, the Tribunal has held that the injured claimant did not examine him to prove the injuries sustained by him. Further, though the certified copies of the injury reports have been filed by the claimant but he did not come to the witness box to prove the same. As such the Tribunal rejected the claim of the injured applicant to grant any compensation in his favour.

6. The copies of injury reports, as produced by the Appellant before this Court, reveal that he sustained two bruises, one simple in nature and another grievous. It is submitted that the injured was admitted in Shanti Hospital for treatment of his injuries which are fracture of his right leg and right hand. A copy of the discharged certificate issued by said Shanti Hospital dated 11th November, 2008 is also produced by the Appellant before this Court for perusal.

7. Upon perusal of the copies of the injury reports and discharge certificate produced by the injured-claimant and considering the nature of injuries mentioned therein and the period of treatment undertaken, the Insurer-Respondent No.2 is directed to pay a consolidated sum of Rs.1,00,000/-(One lakh) to the Appellant.

8. In the result, the appeal is disposed of with a direction to the Insurer-Respondent No.2 to pay the consolidated sum of Rs.1,00,000/- (One lakh) to the Appellant by depositing the same before the Tribunal within a period of two months from today, which shall be disbursed in favour of the claimant.

9. The copies of the injury reports and discharge certificate are kept on record.

(B.P. Routray)
Judge

C.R.Biswal

