

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.648 of 2014

Binod Kumar Nandi

....

Appellant

Dr. T.Ch. Mohanty, Senior Advocate

-versus-

Sajuram Choudhury and others

....

Respondents

Mr. G.C. Samantaray, Advocate for Respondent No.4

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

14.09.2022

Order No.

14.

1. Heard Dr. T. Ch. Mohanty, learned Senior Advocate for the Appellant-claimant as well as Mr. G.C. Samantaray, learned counsel for the Respondent No.4-Insurance Company.

2. Present appeal by the claimant is directed against the award dated 13.02.2014 of the learned 2nd MACT, Cuttack in Misc. Case No.1047 of 1995 wherein the learned Tribunal has granted compensation to the tune of Rs.1,60,000/- along with interest @7% per annum to the claimant from the date of filing of the claim application i.e.18.11.1995 on account of injury sustained by him in the motor vehicular accident dated 3.1.1994.

3. Dr. T. Ch. Mohanty, learned Senior Advocate for the Appellant-claimant submits that the Tribunal has not granted any amount towards future loss of income and further the assessment of amount towards food and attendant charges is too low.

4. In view of the fact that the injured-claimant was serving as a Government employee and continued as such till his

superannuation without being affected with any loss of income, the contention to get any amount towards loss of income is rejected. Moreover, no such evidence has been brought on record to suggest that the Appellant sustained any loss of income due to the injuries sustained in the accident.

5. It is seen that the Tribunal has granted Rs.20,000/- towards conveyance, nourishing, food and attendant charges. The Appellant was undisputedly undergone treatment as an indoor patient from 3.1.1994 to 21.1.1994 at Nalco Hospital, Angul and further from 30.8.2005 to 21.9.2005 at AIIMS Hospital, New Delhi. Therefore, considering such period of his treatment as indoor patient, a further consolidated of Rs.50,000/- is directed to be paid to him.

6. In the result, the appeal is disposed of with a direction to the Respondent No.4-Insurance Company to deposit the further consolidated sum of Rs.50,000/- before the Tribunal within a period of three months from today, which shall be disbursed to the claimant.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge