

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.848 of 2013

Babu Das

....

Appellant

Mr. Dillip Kumar Mohapatra, Advocate

-versus-

M/s. National Insurance Company Ltd.

and Another

....

Respondents

Mr. R.R. Mohanty, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

03.01.2022

Order No.

Misc. Case No.1526 of 2013 & MACA No.848 of 2013

- 05.
1. Heard Mr. D.K. Mohapatra, learned counsel for the claimant - Appellant and Mr. R.R. Mohanty, learned counsel for the insurer - Respondent No.1.
 2. Having heard both parties and considering the grounds mentioned in the petition, the delay in filing the appeal is condoned.
 3. The Misc. Case is disposed of.
 4. On the consent of both parties the matter is taken up for final disposal.
 5. The present appeal by the claimant has been directed against the judgment dated 23rd May, 2013 of learned 2nd MACT, Cuttack in Misc. Case No.355 of 1999.
 6. The learned tribunal upon adjudicating the dispute has directed to grant compensation to the tune of Rs.25,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 11th May, 1999 on account of injury sustained by the present appellant in the motor vehicular accident on 17th February, 1995.

7. The claimant being the Appellant has preferred the present appeal for enhancement. It is submitted on behalf of the Appellant that despite sustenance of fractured injury on left tibia and other multiple injuries, the learned Tribunal has granted only Rs.25,000/-. It is further submitted that considering the period of treatment of the Appellant in the Hospital and consequential expenditure incurred by him, more amount should be granted.

8. Having heard both parties and upon perusal of the impugned judgment, it is seen that as per the certified copy of the injury report under Ext.3, the Appellant sustained fracture of left tibia, one head injury and other minor injuries. However, no document towards the period of treatment of the Appellant as in-door patient in any hospital has been filed by him. However, considering the nature of injuries and taking into account the probable expenditure incurred by the Appellant for his treatment, a further consolidated sum of Rs.10,000/- be paid to him.

9. Accordingly, the insurer – Respondent No.1 is directed to deposit a further consolidated sum of Rs.10,000/- over and above the awarded amount before the learned Tribunal within eight weeks from today and the same shall be disbursed in favour of the claimant.

10. The appeal is accordingly disposed of.

11. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge