

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.225 of 2007

From the Judgment / Order dated 20.04.2006 passed by the learned 2nd M.A.C.T., (Northern Division), Sambalpur in Misc. Case (A) No.195/89 (K).

.....

Aparajita Sahoo & Another

....

Appellants

-versus-

Niranjan Pahi & Another

....

Respondents

For Petitioner : M/s. Mr. S.K.Mohanty, S.Dei,
S.Mohanty & S.Barik.

For Opp. Parties : M/s. S.Ram & S.K.Mohanty.
M/s. B.C.Singh & S.Mishra.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 11.05.2022 and Date of Order:19.05.2022

Biraja Prasanna Satapathy, J.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. Mohanty, learned counsel for the Appellant and Mr. Roy, learned counsel for the Respondents-Company.
- 3.** This appeal has been filed by the Claimants-Appellants with a prayer to enhance the award passed by the learned 2nd M.A.C.T, (Northern Division), Sambalpur in Misc. Case (A) No.195/89 (K).

4. Mr. Mohanty, learned counsel for the Appellants submitted that the learned Tribunal without proper appreciation of the claim so made by the Appellants and without taking into account consideration the document exhibited more particularly the disability certificate exhibited vide Ext.15 and 16 only allowed compensation of Rs.90,000/- with interest payable @ 6 % per annum from the date of application.

5. It is submitted that because of the accident, which take place on 20.11.1998 the injured not only remained under treatment for around three months but also she became disable to the extent of 60% and the said disability is permanent in nature. Therefore, learned Tribunal should have awarded more compensation taking into account the nature of injury, period of treatment and the disability which has been assessed at 60% with permanent in nature.

6. Mr. Mohanty, accordingly prayed for enhancement of the compensation so awarded by the learned Tribunal by this Court suitably.

7. Mr. Roy, learned counsel for the Respondent-Company on the other hand while supporting the award, fairly submitted that the disability of the injured is admittedly at 60% and the same is permanent in nature.

8. Heard learned counsel for the Parties.

9. Perused the materials available on record. This Court after going through the same found that learned Tribunal while assessing the compensation has not assessed the same rightly taking into account the disability of the injured at 60% and that too which is permanent in nature.

Learned Tribunal has also not considered the period the injured remained under treatment.

10. Since it is submitted that the award passed by the learned Tribunal has already been satisfied by the Respondent-Company, this Court when came to a conclusion to enhance the award by another Rs.1,00,000/- consolidated. Mr. Mohanty, learned counsel for the Appellants supported the said view of this Court.

11. Mr. Roy, learned counsel for the Respondent-Company left the said view to the discretion of this Court.

12. Taking into account the stand taken by the respective counsels appearing for both the Parties, this Court held that the Claimants-Appellants are entitled to get further compensation amount of Rs.1,00,000/- consolidated.

13. Accordingly, while disposing this appeal, this Court directs the Respondent-Company to pay the aforesaid compensation amount of Rs.1,00,000/- consolidated in favour of the Appellants within a period of eight weeks from the date of receipt of this order.

14. With the aforesaid observations and directions, the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 19th of May, 2022/Subrat