

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.18 of 2016

Srikanta Kumar Sethi

....

Appellant

Mr.P.K.Mishra, Advocate

-versus-

Smt.Manjit Kaur and others

....

Respondents

Mr.G.P.Dutta, Advocate for Respondent No.2

Ms.S.Mohanty, Advocate for Respondent No.4

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

**ORDER
19.10.2022**

Order No.

9.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra, learned counsel for the Appellant and Mr.Dutta, learned counsel for the Insurer-Respondent No.2 (M/s.Reliance General Insurance Ltd.) and Ms.Mohanty on behalf of Mrs.P.Rath, learned counsel for the Insurer-Respondent No.4 (Oriental Insurance Company Ltd.).
3. Present appeal by the Injured-Appellant is directed against the judgment dated 3rd September, 2015 of the 3rd MACT-cum-Addl. District Judge, Dhenkanal in MAC Case No.130 of 2010/12 of 2014, wherein compensation to the tune of Rs.2,36,000/- has been granted along with interest @7% per annum with effect from the date of filing of the claim application on account of injuries sustained by the claimant in the motor vehicular accident dated 24th September, 2009.

4. It is submitted by Mr.Mishra that the Tribunal has granted lesser compensation on the count of loss of income as well as cost of medicines and attendant charges.

5. It is seen that the Tribunal has granted total compensation of Rs.2,36,000/- on different heads Viz. for pain and suffering Rs.1,20,000/-, for loss of income for two months Rs.9,000/-, for hospitalization, medicines and transportation and attendant charges Rs.1,07,000/-. As per the injury report, under Ext.5, the claimant sustained fracture of multiple rib bones, fracture of left half of the mandible and fracture of right orbit and fracture of maxillary sinus along with other multiple injuries. According to the discharge certificate, he underwent treatment as indoor patient for a period of 29 days.

6. According to the claimant, he incurred expenses of Rs.1,50,000/- towards cost of medicines and hospitalization. Thus, considering the nature of injuries, the period of treatment of the injured, his sufferings and probable expenses thereof, a further consolidated sum of Rs.1,60,000/- is proposed to the parties in course of hearing. This is agreed by Mr.Mishra, learned counsel for the Appellant. Mr.Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. Ms. Mohanty, learned counsel for Respondent No.4 has nothing to say about the same because no liability has been saddled on Respondent No.4. As such, the amount is fixed to that extent.

7. Accordingly, the appeal is disposed of with a direction to the Insurer-Respondent No.2 to deposit a further consolidated sum of Rs.1,60,000/-(One lakh sixty thousand) within a period of

two months from today; where-after the same shall be disbursed in favour of the claimant on such terms and proportion to be fixed by the Tribunal.

8. Copies of Ext.5 and deposition of the injured as filed by Mr. Mishra, learned counsel for the Appellant are kept on record.

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

(B.P. Routray)
Judge



C.R.Biswal