

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.564 of 2019

Manas Kumar Jena

....

Appellant

Mr. Biranchi Narayan Rath, Advocate

-versus-

Rabindra Pradhan and Another

....

Respondents

Mr. Santosh Kumar Mohanty, counsel for Respondent No.2

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

07.02.2022

Order No.

- 04.
1. Heard Mr. B.N. Rath, learned counsel for the claimant – Appellant and Mr. S.K. Mohanty, learned counsel for the insurer – Respondent No.2.
 2. The present appeal is by the claimant prying for enhancement of the amount of compensation awarded vide impugned judgment dated 9th October, 2018 of the learned 4th MACT, Berhampur in MAC Case No.56 of 2016.
 3. In the impugned judgment, learned tribunal upon adjudicating the dispute has directed for payment of compensation to the tune of Rs.4,00,000/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 19th February, 2016 on account of injuries sustained by the Appellant in the motor vehicular accident on 18th December, 2015.

4. It is submitted on behalf of the Appellant that the learned Tribunal has failed to appreciate the actual expenses incurred by the Appellant who has undergone three operation, i.e. two in his legs and one in his hand and also nailing.

5. Having heard Mr. Rath, learned counsel for the Appellant and Mr. Mohanty, learned counsel for Respondent No.2 and upon perusal of the impugned judgment it reveals that under issue No.(iii) and (iv) the learned Tribunal was satisfied regarding sustenance of injuries, the operations undergone by the claimant and the nailing done in his right leg. The insurer is not found disputing such treatment of the claimant in respect of the injuries sustained in the accident.

6. Considering all such facts that were brought on record by the claimant through evidence, his expenses for the treatment and the period undergone thereof as well as the loss of income sustained by the claimant on that score, in my opinion a further consolidated sum of Rs.1,50,000/- would suffice the purpose.

7. Accordingly the insurer – Respondent No.2 is directed to pay a further consolidated sum of Rs.1,50,000/- (one lakh fifty thousand only) to the claimant – Appellant within a period of two months from today.

8. With the aforesaid directions, the appeal is disposed of.

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

(B.P. Routray)
Judge