

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.632 of 2019

Govinda Behera ***Appellant***

Mr. Durga Charan Dey, Advocate

-versus-

Ram Chandra Pal and Another ***Respondents***

Mr. Subrat Satpathy, counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
07.02.2022

Order No.

07. 1. Heard Mr. D.C. Dey, learned counsel for the claimant – Appellant and Mr. Subrat Satpathy, learned counsel for the insurer – Respondent No.2.
2. The present appeal is by the claimant praying for enhancement of the amount of compensation awarded vide impugned judgment dated 29th July, 2019 of the learned 2nd MACT, Cuttack in Misc. Case No.261 of 2016.
3. In the impugned judgment, learned tribunal upon adjudicating the dispute has directed for payment of compensation to the tune of Rs.2,16,595/- along with interest @ 7% per annum from the date of filing of the claim application, i.e. 12th April, 2016 on account of injuries sustained by the Appellant in the motor vehicular accident on 28th December, 2015.

4. The case of the claimant is that he sustained injuries due to the accident involving the offending vehicle and the nature of injuries are contusion over the right occipital lobe, fracture of maxilla, fracture of left nasal bone, fracture of the root of nose and other multiple injuries.

5. Upon hearing both parties it reveals that learned Tribunal has determined the compensation in terms of the principles decided in the case of *Raj Kumar v. Ajay Kumar, 2011 (1) SCC 343* by counting the compensation under different heads. It reveals that under the head 'Hospitalization', the learned Tribunal has only counted the cost of medical bills leaving the other expenses like food and nutrition of the claimant during his hospitalization. On this score and keeping in view the period of treatment, it is felt necessary to enhance the compensation by further sum of Rs.34,405/- making the total compensation to Rs.2,50,000/-. However the rate of interest is reduced to 6% from 7%.

6. It is submitted by Mr. Dey, learned counsel for the Appellant that despite directions of the Tribunal the insurer has not yet deposited a single rupee.

7. Considering such submissions, the insurer – Respondent No.2 is directed to deposit the compensation amount to the tune of Rs.2,50,000/- (two lakh fifty thousand) along with interest @ 6% per annum from the date of filing of the claim application, i.e. 12th April, 2016 with a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Appellant in such proportion and conditions to be fixed by the learned Tribunal.

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

M.K.Panda

