

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.698 of 2020

Gobinda Das

....

Appellant

Mr. Dhananjaya Mund, Advocate

-versus-

Gagan Senapati and Another

....

Respondents

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

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

20.12.2022

Order No.

- 08.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. D. Mund, learned counsel for the injured – claimant and Mr. G.P. Dutta, learned counsel for insurer – Respondent No.2.
 3. Present appeal by the claimant is against the impugned common judgment dated 30th September, 2020 of learned 1st MACT, Baleswar passed in MAC Case No.488 of 2016 and 490 of 2016. Present appeal is in respect of MAC No.488 of 2016 wherein compensation to the tune of Rs.1,06,059/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 28th November, 2016 has been granted on account of injuries sustained by the claimant in the motor vehicular accident dated 10th August, 2016.
 4. The injured – claimant has prayed for enhancement of the compensation amount and Mr. Mund submits for the appellant that the tribunal has failed to assess the actual amount of medical expenses incurred by the injured for his treatment.
 5. It is seen from the impugned judgment that the tribunal has granted Rs.30,000/- towards medical treatment, Rs.4,144/- towards

loss of income, Rs.51,915/- towards medicine bills and Rs.20,000/- towards attendant cost, diet etc totaling of Rs.1,06,059/-.

6. Upon hearing Mr. Dutta, learned counsel for the insurer and perusal of the impugned judgment it is seen that the injured underwent treatment as an indoor patient from 12th August, 2016 to 30th August, 2016. Further, as per the injury report and discharge certificate issued by the SCB Medical College and Hospital, Cuttack there was fracture of right leg which was operated fixing the nail.

Thus considering the nature of injury, his period of treatment as well as nature of treatment including pain and suffering so also future medical expenses, a further consolidated sum of Rs.1,30,000/- is proposed to the parties. This is agreed by Mr. Mund, learned counsel for the claimant – Appellant and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the amount is fixed to the said extent.

7. In the result the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit a further consolidated sum of Rs.1,30,000/- (one lakh thirty thousand) before the tribunal, within a period of two months from today, where-after the same shall be disbursed in favour of the injured – claimant on such terms and proportion to be decided by the learned tribunal.

8. The certified copies of injury report and discharge certificate filed in course of hearing are kept on record.

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

(B.P. Routray)
Judge