

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.739 of 2020

Sri Pradeep Kumar Behera

....

Appellant

Mr. P.K. Mishra, Advocate

-versus-

Mr. Duryodhan Rautaray and another

....

Respondents

Mr. A. Nath, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

22.09.2022

Order No.

06.

1. Heard Mr. P.K. Mishra, learned counsel for the Appellant-claimant and Mr. A. Nath, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimant is directed against the award dated 17.01.2020 of the learned 1st MACT, Balasore in M.A.C. Case No.406 of 2018 wherein the learned Tribunal has granted compensation to the tune of Rs.14,36,332/- along with interest @7.5% per annum to the claimant from the date of filing of the claim application i.e.16.11.2018 on account of injury sustained by him in the motor vehicular accident dated 23.9.2018.

3. Mr. P.K. Mishra, learned counsel for the claimant-Appellant contends that learned Tribunal has not added any future prospects while counting loss of future income and further, has not granted any compensation towards loss of amenities in life and marriage prospects. The Tribunal has granted meager amount of

Rs.30,000/- for special diet, attendant, transportation, pain and suffering.

4. It is seen that the Tribunal has calculated loss of future income to the tune of Rs.12,66,444/- by applying multiplier '18' since the age of the injured was 23 years on the date of accident. Admittedly, the permanent disability is amputation of leg. As such 40% of the total income is liable to be added towards future prospects and doing so, the total loss of income comes to Rs.17,73,021/-. In view of the amputation, it is felt apposite to grant Rs.1,00,000/- towards loss of amenities in life and another amount of Rs.1,00,000/- towards loss in marriage prospects. Further, consolidated amount of Rs.30,000/- granted under several heads stated above, is enhanced to Rs.1,00,000/-. Thus the total compensation is determined at Rs.21,79,977/-, rounded to Rs.21,80,000/-.

5. At this stage, it is submitted that in the meantime the amount as directed by the learned Tribunal has already been paid and disbursed in favour of the claimant. So balance amount of Rs.7,43,645/- is to be paid by the insurer-Respondent No.2 along with interest @6% per annum.

6. In the result, the appeal is allowed and the Respondent No.2- Oriental Insurance Co. Ltd. is directed to pay further compensation of Rs.7,43,645/- (rupees seven lakhs forty-three thousand six hundred forty-five) along with interest @6% per annum from the date of filing of the claim application, i.e.16.11.2018 by depositing the same before the learned Tribunal

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 decided by the learned Tribunal.

7. The MACA is disposed of as allowed.

8. An urgent certified copy of this order be granted on proper application.

(***B.P. Routray***)
Judge

