

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.375 of 2021

Sabita Satapathi

Appellant
....
Mr.D.Patnaik, Advocate

-versus-

Sujit Kumar Pasayat and another

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

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

**ORDER
08.02.2022**

Order No.

4.

1. Heard Mr.Pattnaik, learned counsel for the Appellant and Mr.Dutta, learned counsel for Respondent No.2.
2. The Appellant-claimant has come up in the present appeal challenging the impugned judgment dated 27th April, 2014 passed by the learned Additional District Judge-Cum-3rd M.A.C.T., Jagatsinghpur in M.A.C.Case No.1254 of 2014, wherein the Tribunal has directed for payment of compensation to the tune of Rs.3,33,000/- along with interest @7% per annum with effect from the date of filing of the claim application i.e., 10th April, 2014 on account of the injury sustained in the motor vehicular accident dated 12th January, 2014.

3. It is submitted on behalf of the Appellant that she sustained severe head injury in the accident, which resulted in coma and hospitalization on two spells from 12th January, 2014 to 24th January, 2014 and from 2nd March, 2014 to 4th March, 2014 including the operation. It is further submitted that the learned Tribunal without adhering the principles propounded in the case of **Raj Kumar v. Ajay Kumar, 2011 (1) SCC 343** has calculated the compensation at Rs.3,33,000/- only.

4. After hearing Mr.Dutta, learned counsel for the Insurer and upon perusal of the impugned judgment, it reveals that the tribunal has granted Rs.2,33,000/- towards medicine, Rs.20,000/- towards food and other expenditures, Rs.30,000/- for expenditure towards conveyance and Rs.50,000/- for pain and suffering, making the total compensation to Rs.3,33,000/-.

5. It is seen that no compensation towards loss of future life expectancy was granted by the Tribunal and the amount granted towards pain and suffering is less.

6. Considering the same, a further consolidated sum of Rs.1,50,000/- (One lakh fifty thousand) as agreed by Shri Pattnaik, learned counsel for the Appellant would suffice the purpose. Mr.Dutta, learned counsel for the Insurer left it to the discretion of the Court.

7. Accordingly, the Insurer-Respondent No.2 is directed to deposit a further consolidated sum of Rs.1,50,000/- (One lakh fifty thousand) before the tribunal within a period of two months from today, which shall be disbursed to the claimant.

8. With aforesaid direction, the appeal is disposed of.
9. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

CRBiswal

