

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.957 of 2019

Anup Kumar Das **Appellant**

Mr. B.N. Samantaray, Advocate

-versus-

Soudagar Patra and another **Respondents**

Mr. N.K. Mohanty, Advocate for Respondent No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
23.08.2022

Order No.

07.

1. Heard Mr. B.N. Samantaray, learned counsel for the Appellant-claimant and Mr. N.K. Mohanty, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimant is directed against the award dated 30.09.2019 of the learned MACT (III), Kendrapara in M.A.C. Case No.1 of 2011 wherein the learned Tribunal has granted compensation to the tune of Rs.1,90,000/- along with interest @6% per annum to the claimant from the date of filing of the claim application i.e.05.01.2011 on account of injury sustained by him in the motor vehicular accident dated 01.10.2010.

3. The main challenge of the injured-claimant in preferring the appeal is that his annual income has been fixed at Rs.15,000/- against the principles decided in the case of *Laxmi Dvei and others vs. Mohammad Tabbar and another, (2008) 12 SCC 165*

that, the monthly income should be not less than Rs.3000/-. It is further contended that only Rs.5000/- has been given towards medical expenses though the claimant had undergone treatment as indoor patient for a period of 10 days.

4. After hearing learned counsel for the insurer and considering the submissions made, a further consolidated sum of Rs.50,000/- is proposed to the parties in course of hearing. Mr. B.N. Samantaray, learned counsel for the claimant-Appellant agrees to the same and Mr. N.K. Mohanty, learned counsels for Respondent No.2-Insurance Company leaves it to the discretion of the Court.

5. Accordingly the Insurance Company is directed to deposit the further consolidated sum of Rs.50,000/- (rupees fifty thousand) before the Tribunal within a period of two months from today, which shall be disbursed to the claimant.

6. The MACA is disposed of.

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

(B.P. Routray)
Judge