

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.977 of 2019

Madan Bihari Behera

....

Appellant

Mr. B.N. Samataray, Advocate

-versus-

Badiruddin Mallick and Another

....

Respondents

Ms. Rimjhim Bala Pati, counsel for Respondent No.2

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER
28.11.2022

Order No.

- 03.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. B.N. Samantaray, learned counsel for the injured-claimant -Appellant and Ms. R.B. Pati, learned counsel for insurer – Respondent No.2.
 3. Present appeal for enhancement by the claimant is against the impugned common judgment dated 26th August, 2019 of learned 4th MACT, Cuttack passed in MAC No.554 of 2014/206 of 2016 and MAC No.555 of 2014/205 of 2016. Present appeal is in respect of MAC No.555 of 2014/205 of 2016, wherein compensation to the tune of Rs.3,96,000/- along with interest @ 6% per annum from the date of filing of the claim application has been granted on account of injuries sustained by the injured – claimant in the motor vehicular accident dated 1st January, 2014.
 4. It is submitted by Mr. Samantaray, learned counsel for the Appellant that the tribunal has failed to appreciate the loss of future

income of the injured on account of his permanent disability to the extent of 66% and further, the amount of medical expenses counted by the tribunal is lesser than the actual amount spent by him.

5. Upon hearing Ms. Pati, learned counsel for the insurer and perusal of the impugned judgment, it reveals that admittedly the injured – claimant was serving as a Peon in Barunei Girls High School, which is a Government educational institution. The injured has failed to establish any reduction of income due to the permanent disability sustained by him for the injuries in the accident. Moreover, the tribunal has granted loss of actual income during the period of his treatment in the hospital despite the fact that the injured being a government servant is entitled for leave salary during that period. However, this court does not want to interfere in-to that aspect in absence of any appeal from the side of the insurer.

6. For computing medical expenses, the tribunal considering the submission of the injured – claimant as P.W.1 that he has submitted the bill amount of Rs.1,67,349/-, has granted the same amount. So no point is seen to interfere with the same.

Moreover it is seen that the tribunal is reasonable and logical in assessing the compensation amount and this court does not find any scope to interfere with the same.

7. In the result the appeal is dismissed.

(B.P. Routray)
Judge