
(2022) 04 OHC CK 0035
In the Orissa High Court
Case No : MACA No.73 Of 2020

Ajay Kumar Sahoo

APPELLANT

Vs

Raghunath Pradhan And Another

RESPONDENT

Date of Decision : 06-04-2022

Acts Referred:

Citation : (2022) 04 OHC CK 0035

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : S.B. Das, G.P. Dutta

Judgement

B. P. Routray, J

1. The Appellant is present in person pursuant to earlier direction of this Court.
2. Heard Mr. S.B. Das, learned counsel for the claimant – Appellant and Mr. G.P. Dutta, learned counsel for insurer – Respondent No.2.
3. Present appeal by the claimant has been filed challenging the judgment dated 6th November, 2019 of learned 1st MACT, Jajpur passed in MAC No.18 of 2014 wherein compensation to the tune of Rs.2,52,800/-along with interest @ 6% per annum from the date of filing of the claim application, i.e. 11th March, 2014 has been granted on account of injuries sustained by the claimant in the motor vehicular accident dated 1st February, 2014.
4. The claimant has already received the awarded amount with interest and come up in this appeal for enhancement of the compensation amount.
5. The main challenge of the appellant for enhancing the compensation is that the Tribunal has failed to calculate the future loss of income of the claimant on account of his injuries, particularly the disability of amputation of left foot. On perusal of the impugned judgment it reveals that the learned Tribunal has granted compensation of Rs.54,000/- towards loss of income, Rs.1,00,000/-for pain and sufferings and Rs.91,773/- towards medicine charges. The tribunal has

refused to grant any compensation for future loss of income on the ground that both the hands of the claimant are intact and therefore there should not be any impairment for working as a Mason.

6. Having seen the Appellant in person whose left foot is seen amputated next to ankle, and considering his age on the date of accident, a further consolidated sum of Rs.4,00,000/- is proposed to the parties. This is agreed by Mr. Das, learned counsel for the Appellant as well as by the Appellant in person. Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the court. As such the amount is fixed to the above extent.

7. In the result the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit a further consolidated compensation of Rs.4,00,000/- (four lakh) before the 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.

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

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