
(2021) 12 OHC CK 0137
In the Orissa High Court
Case No : MACA No. 996 Of 2009

Madhab Nandi

APPELLANT

Vs

Sri Janardan Panda And Others

RESPONDENT

Date of Decision : 21-12-2021

Acts Referred:

Citation : (2021) 12 OHC CK 0137

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

Bench : Single Bench

Advocate : L.N. Rayatsingh, A. Das, V. Narasingh,

Final Decision : Dismissed

Judgement

B. P. Routray, J

1. Heard Mr. L.N. Rayatsingh, learned counsel for the Appellant-claimant, Mr. A. Das, learned counsel for the Respondent No.2 and Mr. V. Narasingh, learned counsel for the Respondent No.4.

2. The claimant has preferred the present appeal being aggrieved with the judgment dated 02.09.2009 of learned 3rd M.A.C.T., Puri in M.A.C. Case No.57/90 of 1997/1992.

3. The sole contention of the Appellant is that the learned Tribunal has directed for payment of compensation to the tune of Rs.8,000/- only for the injuries sustained by him in the motor vehicular accident.

4. It submitted on behalf of the Appellant that he was treated in the District Headquarter Hospital, Puri for a long period after being referred by Pipili Hospital on account of the injuries sustained by him in the accident. But without taking note of his fracture injury, learned Tribunal has granted the compensation of the aforesaid amount counting simple injury.

5. Having heard both the parties and upon perusal of the impugned judgment, it

is seen from paragraph 8 of the said judgment that the learned Tribunal has given categorical finding on the contention of the Appellant about sustenance of injury by him. The learned Tribunal has observed that the Appellant has failed to produce any document in support of his contention to substantiate fracture injury or treatment at District Headquarter Hospital, Puri.

6. Admittedly, the Appellant has not filed any document in evidence before the learned Tribunal. He has only adduced his oral evidence. He has not taken any attempt before this Court also to adduce any document by way of additional evidence. Thus the Appellant having been failed to substantiate his contention that he sustained fracture injury, no merit is seen in his contention to enhance the compensation.

7. Accordingly, the present appeal is dismissed being without merit.

.....