
(2010) 11 OHC CK 0036
In the Orissa High Court
Case No : M.A.C.A. No. 28 of 2007

Prasanna Kumar Tripathy

APPELLANT

Vs

Prafulla Kar and Another

RESPONDENT

Date of Decision : 22-11-2010

Acts Referred:

Citation : (2011) 111 CLT 730 : (2011) 1 OLR 929 Supp

Hon'ble Judges : H.S. Bhalla, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

H.S. Bhalla, J.—The Appellant has knocked at the door of this Court for enhancement of compensation awarded by the 1st Motor Accident Claims Tribunal, Rourkela (for short "the tribunal") vide award dated 13.10.2006 on account of the injuries suffered by him in a motor vehicle accident, operative part of which, runs as under:

The M.A.C. case is allowed on contest against O.P. No. 2 & is dismissed against O.P. No. 1. The claimant is entitled to Rs. 7,000 (Rupees seven thousand) towards compensation & O.P. No. 2 (Insurance company) is to pay the same within forty-five days hence, failing which the same will carry interest at the rate of 9% per annum from the date of filing of the claim petition.

2. In order to avoid repetition, the other facts are not required to be reproduced herein since they have been recapitulated in detail in the award dated 13.10.2006 passed by the tribunal.

3. The Learned Tribunal after framing necessary issues & on assessment of the evidence available on record, passed the award of Rs. 7,000 in favour of the claimant as referred to above.

4. The grouse of the claimant, in the instant appeal is that the Learned tribunal committed a grave error in awarding inadequate amount of compensation by not

appreciating the evidence on record.

5. I have gone through the award passed by the Learned Tribunal & find that the same is well reasoned & based on appreciation of evidence available on record. The Learned Tribunal after taking into consideration the statement of P.W.1 & other medical record put forward by the claimant & also considering that the accident took place in the year 1993, he rightly ignored the cash memos obtained by the claimant much after the accident & considering the nature of the injuries, he rightly awarded the amount of Rs. 7,000 in favour of the claimant. The approach of the Learned Tribunal in awarding the aforesaid amount of compensation to the claimant cannot at all be said to be erroneous, which may warrant interference by this Court.

6. Learned Counsel appearing for the Appellant has not been able to point out any irregularities & impropriety in the impugned award dated 13.10.2006 passed by the Learned Tribunal nor any glaring defect on the point of law, which has resulted in a miscarriage of justice & which needs to be set right by this Court.

7. In the light of what has been observed above, appeal filed by the Appellant, being without any merit, fails & is hereby dismissed