
(2021) 11 OHC CK 0095
In the Orissa High Court
Case No : MACA No.655 Of 2012

Smt. Mahali Mohapatra

APPELLANT

Vs

Sahadev Pradhan and Another

RESPONDENT

Date of Decision : 15-11-2021

Acts Referred:

Citation : (2021) 11 OHC CK 0095

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

Bench : Single Bench

Advocate : L.N. Rayatsingh, Nayan Behari Das

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. L.N. Rayatsingh, learned counsel for the Appellant - Claimant and Mr. N. B. Das, learned counsel appearing for Insurer - Respondent No.2.

2. The claimant has come up in the present appeal against the impugned judgment of 3rd MACT, Puri in MAC No.92/156 of 2010/09.

3. The case of the Appellant is that she sustained injuries in a motor vehicular accident on 21st April, 2009. At that time she was a passenger of the offending bus which was capsized. It is the submission on behalf of Appellant that some other injured persons in the same accident have got compensation but the learned Tribunal did not grant her any compensation in absence of police papers.

4. Conversely it is submitted by Mr. Das, learned counsel appearing for the insurer that the Tribunal has rightly discarded the claim of the Appellant in absence of any proof of injury on the part of the claimant - Appellant.

5. Having perused the impugned judgment, it is seen that under Issue No.(II) and (III) the learned Tribunal has come to the finding that there was an accident on the alleged date by the offending vehicle. Again at Issue No.(IV), it is held by

the learned Tribunal that in absence of any evidence regarding the involvement of the vehicle and the Appellant sustaining any injury in the said accident, the Opposite Parties cannot be directed to pay compensation to the present Appellant.

6. The undisputed fact remains that the Appellant has filed a bed head ticket in support of her injuries and treatment at SCB Medical College and Hospital, Cuttack. At the same time Ext.6 filed by the Appellant reveals that she was treated as an outdoor patient. The injuries sustained by the Appellant as mentioned in the bed head ticket is bleeding injury on the left frontal parietal aspect. Thus, even if Ext.6 and Ext.1 are running contrary in respect of admission of the Appellant in the hospital, but the fact of treatment of Appellant's sustenance of injuries in the accident cannot be entirely ruled out from those documents. The learned Tribunal is also not found right in saying that there is absence of evidence regarding involvement of the vehicle.

7. Keeping in view the nature of injuries as claimed by the Appellant, in my opinion a consolidated sum of Rs.12,000/- would suffice the purpose.

8. Accordingly, Respondent No.2 - Insurer is directed to pay a consolidated amount of Rs.12,000/- (Rupees twelve thousand only) to the present appellant within eight weeks from today.

9. The appeal is accordingly disposed of.

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

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