
(2010) 11 OHC CK 0068
In the Orissa High Court
Case No : MACA No. 810 of 2008

Soumya Ranjan Samal

APPELLANT

Vs

Divisional Manager, Oriental Insurance Co. Ltd. and Another

RESPONDENT

Date of Decision : 26-11-2010

Acts Referred:

Citation : (2011) 112 CLT 526

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

Bench : Single Bench

Judgement

H.S. Bhalla, J.—The Appellant has knocked at the door of this Court for enhancement of compensation awarded by the 4th M.A.C.T., Jagasinghpur (for short "the tribunal") vide award dated 16.9.2008 on account of the injuries suffered by him in a motor vehicle accident, operative part of which, runs as under:

The M.V. Misc. Case is allowed in part on contest against O.P. No. 2 and ex parte against the O.P. No. 1 The O.P. No. 2 is directed to pay a sum of Rs. 10,000 (rupees ten thousand) only as compensation to the Petitioner with interest at the rate of 6% per annum from 2.4.2005 till actual payment within one month hence, failing which the Petitioner is at liberty to realize the same from the O.P. No. 2 through due process of law. The Petitioner is to pay the required Court fee at the time of receiving compensation amount. X x x.

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 16.9.2008 passed by the tribunal.

3. The Learned Tribunal after framing necessary issues and on assessment of the evidence available on record, passed the award of Rs. 10,000 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. Having heard Learned Counsel for the parties and going through the submissions made by the Learned Counsel for the parties, the ends of justice would be amply met, if the amount of compensation of Rs. 10,000 awarded by the tribunal is increased in lump-sum on the basis of oral as well as documentary evidence led by the parties in support of their respective contentions especially taking into consideration the injuries suffered by the Appellant on his right leg and other parts of his body in a motor vehicular accident.

6. Keeping in view the facts and circumstances of the case and after having gone through the award, I find that the enhancement of Rs. 10,000 in the instant case would be the ends of justice. As such, the appeal is partly allowed and the award dated 16.9.2008 passed by the Tribunal is modified by enhancing a sum of Rs. 10,000 in lump sum on all heads.

7. Since the vehicle in question has been held to be insured with the Insurance Company by the tribunal, the present appeal is disposed of with a direction to the Respondent-Insurance Company to pay enhanced amount of compensation to the Appellant within 45 days from the date a certified copy of this order is received. The enhanced amount shall be over and above the amount awarded by the tribunal. The Appellant shall not be entitled to any interest on the enhanced amount of compensation, if it is paid within the period as specified above. If Insurance Company fails to pay the enhanced amount within the specified period, it shall carry interest at the rate awarded by the Tribunal from the date of filing of claim petition till its actual realization.