

**IN THE COURT OF THE DISTRICT JUDGE-
CUM-1st MOTOR ACCIDENT CLAIMS
TRIBUNAL, DHENKANAL**

Present: ***Pranab Kumar Routray,***
District Judge-cum-1st MACT,
Dhenkanal
[J.O Code: OD-00200]

Dated, this the 2nd day of September, 2025

M.A.C. Case No.251 of 2016

Mrutyunjay Prasad Sahoo, aged 26 years, Son of
Tankadhar Sahoo, resident of village /P.O. Jubuli
Town, P.S. Town, Dist. Dhenkanal.

... ... **Petitioner.**
-Versus-

1. Naresh Chandra Dhal, aged about 48 years, Son
of late Panchanan Dhal, resident of village. Siaria,
P.O. Govindapur, P.S. Sadar, Dist. Dhenkanal.
2. Shriram General Insurance Company Limited,
At. E-8, RIICO Industrial Area, Sitapura,
P.O/P.S/District. Jaipur, Rajasthan – 302022.
Represented by its Legal Manager, having its
Office at:- Gitanjali Complex, Flat No.2863/3719,
Lewis Road, Bhubaneswar, District. Khurda,
Odisha, PIN-751002.

.... **Opp. Parties.**

For the petitioner:	Sri Trilochan Sahoo & Associates, Advocates,
For the O.P. no.1:	<i>Ex parte</i>
For the O.P. no.2:	Sri S. Mishra and Associate, Advocate.

Date of Argument: 26-08-2025

Date of Judgment: 02-09-2025

J U D G M E N T

The injured Mrutyunjaya Prasad Sahoo, who has completed B.Tech in Mechanical Engineering in the year 2014, approached this Court claiming compensation of Rs.70,00,000/- on account of injuries sustained by him in road accident on 19-04-2016.

2. The averments in the claim petition is as follows:-

That, the injured while returning from Jyoti Industry, Ranapasi, Sadar P.S to his home located at Dhenkanal Town by a motor cycle bearing registration no.OR-21-B-7373, on the way, near Kamakhyanagar Chhak, at the outskirts of Dhenkanal Town, a truck bearing registration no.OR-05-V-1095 coming from his behind, dashed against him, as a result of which, he sustained grievous multiple injuries. He was shifted to District Headquarters Hospital (D.H.H.), Dhenkanal, wherefrom he was further shifted to SCB Medical College & Hospital, Cuttack on the same day and therefrom to S.B.M. Plastic Surgery Hospital, Balikuda, Cuttack, where, he undergone treatment from 20-04-2016 to 11-05-2016 as an indoor patient and his right hand was amputated. After his discharge from the hospital, he was frequently attending hospital for treatment as per the advice of the doctor. He approached this Court on 19-12-2016 by filing a petition claiming compensation.

That one police case was registered at Dhenkanal Sadar P.S. vide P.S. Case no.170 dated 29-04-2016 corresponding to G.R Case no.511 of 2016 in the Court of learned SDJM, Dhenkanal for the offence punishable U/Ss.279, 337, 338 of IPC, wherein police submitted charge-sheet against the driver of the offending truck. That the offending truck was duly insured as on the date of accident and the driver of the offending vehicle was having a valid driving licence. It is pleaded that the petitioner has completed B.Tech in Mechanical Engineering Branch and he is a brilliant student, aged about 26 years as on the date of accident and was preparing for GATE examination. That he could have earned Rs.35,000/- per month, had he not met with the accident. Hence, attributing negligence on the driver of the offending truck and since the offending vehicle is duly insured, it is prayed that the insurer should indemnify the liability of the owner by paying compensation of Rs.70,00,000/- with interest.

3. The owner-Opposite Party (O.P) no.1 did not appear and set *ex-parte*.

4. The insurer-O.P no.2, Shriram General Insurance Company Ltd. appeared and filed written statement challenging the age and income of the claimant-petitioner. It is pleaded that the accident took place due to the negligence of the injured ; that the injured was riding motor cycle without any driving licence ; that the offending vehicle was running

without fitness certificate, permit and insurance policy. Hence, it is prayed for dismissal of the claim petition.

5. Taking note of the pleadings of the parties, the following issues are settled;

ISSUES

1. *Whether the claim petition is maintainable?*
2. *Whether Mrutyunjay Prasad Sahoo sustained injuries in an accident that took place on 19-04-2016, at about 6.30 p.m, near Kamakhyanagar Chhak in the jurisdiction of Dhenkanal Sadar P.S and whether the said accident was caused due to rash and negligent driving of the driver of the offending vehicle (Truck) bearing registration no.OR-05-V-1095 ?*
3. *Whether the petitioner is entitled to get any compensation? If so, from whom and to what extent?*
4. *To what other relief (s), if any, the petitioner is entitled?*

6. Two witnesses have been examined from the side of the claimant-petitioner of whom, he examined himself as P.W.1 and an occurrence witness namely, Samir Prusty as P.W.2. Documents vide Exts.1 to 17 (series) have been brought to evidence, list of which is appended at the foot of the judgment.

On the other hand, the insurer-O.P no.2 did not prefer to adduce any evidence, either oral or documentary.

FINDINGS

Issue Nos.2 & 3:

7. The petitioner examining himself, deposed the same facts as averred in the claim petition regarding the accident. His positive evidence shows that on 19-04-2016 by 6.30 p.m, when he was returning from Jyoti Industry at Ranapasi to his home located at Dhenkanal Jubuli Town by a motor cycle, the offending truck bearing registration no.OR-05-V-1095 dashed from his behind, as a result of which, he sustained grievous multiple injuries. He further stated that the accident took place due to rash and negligent manner of driving of the driver of the offending truck. One Samir Prusty (P.W.2) claiming himself as an eye witness to the occurrence deposed that at the relevant date and time, he was returning from his village to Dhenkanal by a motor cycle. The injured was at a distance of 200 metre ahead from him. He parked his motor cycle beside the road for urination on P.W.D road near Kamakhyanagar Chhak and at that point of time, he saw a truck vide registration no.OR-05-V-1095 coming from Kamakhyanagar side being driven in rash and negligent manner in high speed, dashed against the motor cycle. It is his further evidence that he reached the spot immediately and sent information to Govt. Ambulance and subsequently, the injured was shifted from the place of accident to D.H.H, Dhenkanal.

It is the evidence of both the witnesses that after the accident, the offending truck fled away. It is further evidence of the injured that he was shifted to D.H.H, Dhenkanal and therefrom to SCB Medical College & Hospital, Cuttack and further shifted to S.B.M Plastic Surgery Hospital, Balikuda, Cuttack. His evidence also shows that on 29-04-2016, a police case was registered at Sadar P.S vide P.S Case no.170/2016 for the offence punishable U/Ss.279, 337, 338 of IPC. He proved the certified copy of the FIR vide Ext.1, the charge sheet in the said case vide Ext.2 and the seizure list vide Ext.3 (series). The charge sheet vide Ext.2 shows that police has submitted charge sheet against the driver of the offending truck due to rash and negligent driving endangering human life and causing grievous injuries due to such accident. Therefore, it is found that a neutral agency has attributed negligence on the driver of the truck for the accident. Hence, in consideration to the oral evidence of the injured and an occurrence witness combined with the reports of police, this Tribunal comes to the conclusion that on the alleged date, time and place, the accident took place due to rash and negligent driving of the driver of the offending truck bearing registration no.OR-05-V-1095. Since the injury report vide Ext.5 shows that the injured had sustained injury in road accident, he is entitled to get compensation.

8. Now question comes that what would be the amount of compensation and as to who would pay the same. The seizure list vide Ext.3 (series) show that police has seized original driving licence of the driver of the offending truck and the insurance certificate of the offending truck, which shows that the insurance of the offending truck was valid as on the date of accident and it was valid till 16-11-2016. A copy of the insurance policy is also filed by the claimant-petitioner. The driving licence of the claimant-petitioner vide Ext.11 says that it is valid till 31-10-2030. When the claimant-injured was having a valid driving licence to ride motor cycle and he met with the accident due to fault of the driver of the offending vehicle and the offending vehicle is insured with insurer-O.P no.2, under such circumstances, the liability of the owner of the truck (O.P No.1) should be indemnified by the insurer-O.P no.2. Accordingly, the insurer-O.P no.2 is liable to pay the compensation amount.

9. Now, it is to decide that as to what would be the amount of compensation. To calculate the compensation, the Hon'ble Apex Court in the case of **Raj Kumar Vrs. Ajaya Kumar and another**, reported in **(2011) 48 OCR-214** held that when the claimant sustained physical injuries resulting in disability, he/she should be compensated for his/her loss of future prospects. As per the said decision, the

calculation of compensation shall take into consideration the following heads:

- (a) annual income prior to the accident,
- (b) loss of future earning per annum (percentage of prior annual income),
- (c) multiplier applicable with reference to age, and
- (d) loss of future earnings.

10. It is claimed by the claimant-petitioner that he is a brilliant student and has passed B-Tech in Mechanical Engineering Branch from Biju Patnaik University of Technology, Odisha and was preparing for GATE examination. He claims that he could have earned Rs.35,000/- per month had he not met with the accident. He has filed the disability certificate issued by Medical Authority, Dhenkanal, Odisha vide Ext.7 (series), which shows that he sustained permanent disability of 85%. Learned counsel for the claimant-petitioner argued that since the claimant is a Mechanical Engineer and has lost his right hand, while computing the amount towards compensation, the Tribunal should assess that the claimant has lost 100% of his income. On this point, the further submission of learned counsel is that his notional income should be taken at Rs.40,000/- per month because his friends of same branch are earning more than that. In support of his such contention, he filed the salary certificate of one Sumeet Kumar Dubey, who joined on 15-04-2019

at Nirmal Poly Plast Pvt. Ltd., Ahmedabad and his monthly income is Rs.56,294/-. The learned counsel relied upon a decision of the Hon'ble Apex Court in the case of **S. Vasanthi & Another v. M/s. Adhiparasakthi Engg. College And Another** reported in **(2022) 88 OCR (SC) – 853** and submitted that the Hon'ble Apex Court in the said case assessed the monthly income at Rs.30,000/- in respect of the deceased who was pursuing MBA degree and this assessment was based on the specific averments made by the mother of the deceased stating that two classmates of the deceased got employment with reputed companies and were drawing monthly salary approximately Rs.40,000/-. Hence, learned counsel submitted that the claimant who has already completed Engineering degree in Mechanical branch and was preparing for GATE examination and had bright future, his salary as on the year 2016 should be assessed at least 40,000/- per month while computing towards loss of income.

11. In the case at hand, the claimant-petitioner in the petition has claimed that his income should be assessed at Rs.35,000/- per month with scope of annual increment. In the case as relied by learned counsel for the claimant-petitioner, the deceased was aged about 23 years and after completing the Engineering course, he was pursuing MBA Degree at S.R.N University to further his professional

capabilities. In the case at hand, the claimant-petitioner has completed Mechanical Engineering course from Shibani Institute of Technical Education, Khurda in the Academic year 2013-14 as per Ext.10. He passed HSC examination in 2007 in First Division as per Ext.8. After 3 years, he passed +2 Science in Second Division in the year 2010 from S.N Mahavidyalaya, Indipur, Dhenkanal. It is undisputed that as on the date of accident, he was unemployed. He claims that he was preparing for GATE examination for higher studies. His academic background records as per the certificates does not show that he was brilliant student considering the present standard of students in Engineering field. The claimant-petitioner filed salary certificate of one Sumeet Kumar Dubey who holds B.Tech degree in Mechanical Engineering and completed his course in 2012-13 and was drawing salary of Rs.56,294/- in October, 2023. The claimant-petitioner has not filed the salary of said Sumeet Dubey in the year 2016 i.e. the year the accident took place. That apart, said Sumeet Dubey has graduated from Bhadrak Institute of Engineering and Technology, Bhadrak and not from the institute where the petitioner was studying. Academic background of said Sumeet Dubey is also not brought before this Tribunal. Since the petitioner was unemployed for two years after completing B-Tech degree and also considering his academic background, this Tribunal is of the opinion

that had he not met with the accident on 19-04-2016, he would have been employed somewhere and his monthly income would be around Rs.25,000/-. The disability certificate shows that he sustained 85% permanent disability at his right upper limb and there is amputation of right upper limb. As per the disability certificate vide Ext.7 (series) and High School Certificate Examination vide Ext.8, the date of birth of the injured is 12-03-1990. The accident in question took place on 19-04-2016. Hence, the age of the injured as on the date of accident was 26 years 01 month and 07 days. Since the injured-petitioner was aged about 26 years, in consideration to the ratio of decision of the Hon'ble Supreme Court between **National Insurance Co. Ltd. Vrs. Pranay Sethi & Others** : reported in **2018 (69) OCR-1**, there should be addition of 40% of the income towards future prospect. Accordingly, his annual income comes to Rs.(25,000 X 12) = Rs.3,00,000/- + 40% of Rs.3,00,000/- = Rs.4,20,000/-. The Hon'ble Apex Court in the case of **Smt. Sarala Varma and others v. Delhi Transport Corporation and Another** , reported in **(2009) 43 OCR (SC), 349** have made an observation to determine the compensation for permanent disability. As per the said formula, the injured being within the age group of 26-30 years, multiplier '17' is to be applied. Since the petitioner has sustained 85% permanent disability, the loss of income for his entire

life comes to Rs.(4,20,000 X 17 X 85%) = Rs.60,69,000/-.

12. The discharge certificate issued by Sashi Bhusan Memorial Hospital Pvt. Ltd. (SBM, Cuttack) vide Ext.14 (series) show that on 20-04-2016, the injured-petitioner was admitted as indoor patient, where surgical operation was made on his right upper limb and accordingly, amputation was made on his right hand only to save his life. The discharge certificate further shows that he was discharged on 11-05-2016. Thus, he was hospitalized for a period of about one month and during such period, he must have spent some amount towards nourishment of food and incidental expenses. This Tribunal assesses the expenditure @ Rs.1000/- per day and in total Rs.30,000/- towards nourishment of food and incidental charges. The evidence of the petitioner further shows that he proceeded to AMRITA Institute and Medical Science (AIMS), Ponekkara, Kochi, Kerala for unilateral hand transplantation vide Ext.15 (series). The injured-petitioner also deposed that on 31-07-2018, he was admitted in Jawaharlal Institute of Post Graduate Medical Education and Research (JIPMER), Puducherry vide Ext.16 (series), which shows that the department of Plastic Surgery, JIPMER, Puducherry has made correspondence with the injured-petitioner regarding transplantation of upper limb since August, 2018. The aforesaid document reveals that for

transplantation of his right arm, he visited different hospitals for implantation of right hand, but in vein.

In order to prove the expenditure, the injured-petitioner has filed medical treatment papers of different hospitals, some train tickets, bills of guest house etc. amounting to Rs.2,53,857/-. Accordingly, this Tribunal assesses these miscellaneous expenditure at Rs.2,50,000/-. Besides the same, the petitioner is also entitled to get Rs.30,000/- towards attendant charges @ Rs.1000/- per day and Rs.1,00,000/- towards pain and sufferings.

13. It is argued by the learned counsel for the injured-petitioner that the petitioner was residing at Puducherry for five years in a rented house for transplantation of right hand and to that effect an agreement with the landlord of the house was executed where he was residing as a tenant. The said agreement has been filed but has not been brought to evidence. The last medical document of JIPMER Hospital, Puducherry is of the year 2021. Only one agreement written in unstamped paper is of the year 2018 and the termination of agreement is of the year 2022. No agreement of the year in between 2019 to 2022 has been filed. Hence, this Tribunal is of the opinion that this agreement and termination of agreement typed in unstamped paper cannot be taken

into consideration. Accordingly, no amount on that head can be awarded.

Accordingly, this Tribunal assesses the compensation as follows:

S.L No.	Head	Amount (in Rs.)
1.	Loss of future income	60,69,000/-
2.	Medical Expenses	2,50,000/-
3.	Nourishment of food and incidental expenses etc. @ 1000/- per day at SBM Hospital Pvt. Ltd. Cuttack	30,000/-
4.	Attendant charges @ Rs.1000/- per day at SBM Hospital Pvt. Ltd. Cuttack	30,000/-
5.	Pain and sufferings.	1,00,000/-
Total		64,79,000/-

(Rupees Sixty Four Lakh Seventy Nine Thousand only.)

Thus, the petitioner is entitled to get just compensation of **Rs. 64,79,000/-** only for the injuries sustained by him in the vehicular accident. He is also entitled for interest @ 6% per annum from filing of the claim petition till it is paid.

Issue Nos.(1) and (4)

14. In view of the findings in the foregoing issues, the claim petition is maintainable. The injured-petitioner is not entitled for any other relief except the relief granted above. Hence, it is ordered:-

ORDER

The claim petition is allowed on contest against the insurer-O.P no.2 and *ex parte* against O.P no.1, but under circumstances, without cost. It is directed that O.P no.2, Shriram General Insurance Company Ltd. to pay the compensation amount of **Rs. 64,79,000/-** (*Rupees Sixty Four Lakh Seventy Nine Thousand only.*) to the injured-petitioner – Mrutyunjay Prasad Sahoo along with interest @ 6% per annum from the date of filing of the claim petition i.e. 19-12-2016 till the date of payment within three months hence, failing which, the petitioner is at liberty to realize the same through process of law. Further, it is directed that 60% of the awarded amount with accrued interest shall be kept in fixed deposit scheme in the name of the claimant-petitioner in any Nationalized bank for a period of six years with quarterly interest payable. The fixed deposit cannot be withdrawn or pledged for any loan before the date of its maturity without order of this Tribunal.

The required court fees on the claimed amount, if not paid earlier, be realized from the claimant-petitioner at the time of payment. The insurance company is directed to issue cheque accordingly.

Delivered the judgment in the open Court,
this the 2nd day of September, 2025 under my hand and
seal of the Tribunal.

**District Judge-cum-1st MACT,
Dhenkanal
02-09-2025**

Typed to my dictation and
corrected by me.

**District Judge-cum-1st MACT,
Dhenkanal
02-09-2025**

List of witnesses examined for the petitioner.

P.W.1	Mrutyunjay Prasad Sahoo
P.W.2	Samir Prusty

List of witness examined for the OP No.2.

N o n e.

List of documents admitted in evidence for petitioner.

Ext.1	Certified copy of FIR
Ext.2	Certified copy of Charge Sheet.
Ext.3 (series)	Certified copies of property seizure memos.
Ext.4 (series)	Certified copies of zimanama.
Ext.5	Certified copy of injury report.
Ext.6 (series)	Statement of witnesses recorded U/s.161 of Cr.P.C.
Ext.7 (series)	Original Unique Disability Certificate issued in favour of Mrutyunjay Prasad Sahoo.
Ext.8	Original matriculation certificate.
Ext.9	Original C.H.S.E Certificate.

Ext.10	Original B. Tech Certificate.
Ext.11	Original driving licence.
Ext.12 (series)	Original OPD prescriptions.
Ext.13 (series)	Original Bed head ticket, original discharge certificates issued by SCB Medical College & Hospital, Cuttack.
Ext.14 (series)	Bed Head Tickets and discharge certificate issued by Sashi Bhusan Memorial Hospital, Cuttack.
Ext.15 (series)	Original Admission and Financial undertaking form issued by AIMS and research Centre, Kerala.
Ext.16 (series)	Out Patient record of JIPMER Hospital Puducherry.
Ext.17	Medicine bills.

List of document admitted in evidence for O.P no.2.

N I L

**District Judge-cum-1st M.A.C.T,
Dhenkanal
02-09-2025**