



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA NO.532 of 2025
CNR No. ODHC010278242025

(An appeal Under Section-173 of M.V. Act, 1988).

Divisional Manager, M/s ... Appellant
United India Insurance Co.
Ltd., Cuttack

-versus-

Lopamundra Das & Others ... Respondents

For Appellant : Mr. P.R. Sinha, Advocate,
along with Mr. M. Sinha,
Advocate

For Respondents : Mr. P.K. Mishra, Advocate
(R-1 to 3)
None (R-4)

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 23.09.2026 (ORAL)

G. Satapathy, J.

1. This is an appeal by the appellant-United India Insurance Co. Ltd., Cuttack (in short, "the insurer") challenging the impugned judgment dated 22.08.2024 passed by learned 1st Motor Accident Claims Tribunal, Cuttack (hereinafter referred to as "the Tribunal") in M.A.C. Case No.53 of 2023 awarding compensation of Rs.62,68,384/- in favour of the claimants-respondent Nos. 1 to 3.



2. By the impugned judgment, the appellant was further directed to pay the aforesaid compensation amount to the claimant-respondent no. 1 to 3 together with Simple Interest @ 6% per annum w.e.f.18.01.2023 within a period of three months thence, failing which the compensation amount would carry penal interest @ 12%.

3. The facts in this case being not in dispute is not reiterated to avoid repetition. The appellant-insurer, however, challenges the impugned award mainly on three grounds such as:-

(i) The copy of the inquest report reveals about involvement of unknown truck,

(ii) FIR is silent with regard to involvement of any particular vehicle,

(iii) Lastly, contributory negligence.

4. Heard Mr. Pratyush Ranjan Sinha, learned counsel appearing along with Mr. Mahitosh Sinha, learned counsel for the appellant-insurer and Mr. Pradeep Kumar Mishra, learned counsel for the claimant-Respondent Nos. 1 to 3, but none appears for R-4 despite having entered appearance through counsel Mr. Santosh Kumar Sethi.



5. After having considered the rival submission upon perusal of record, it appears that the insurance company has not at all led any evidence to establish its plea as advanced in this appeal, however, even otherwise taking into consideration the pleas of the appellant-insurer, it appears that inquest report is prepared to know about the apparent cause of death of a person to be accidental, suicidal or homicidal. Law does not cast any duty on the authority concerned to precisely reflect the number of the truck or vehicle while preparing the inquest report in a accident case. The claim of the poor claimants cannot be thrown merely because the registration number of the vehicle is neither mentioned in the inquest report nor described in the FIR.

6. The only issue that is required to be determined in a claim for compensation arising out of motor-vehicular accident is as to whether the accident has occurred due to rash and negligent driving of the offending vehicle. Once the charge-sheet is filed indicating therein the death of the deceased to be on account of rash and negligent driving of the offending vehicle, the non-inclusion of model and make of the particular vehicle or its registration number in the FIR or inquest report makes little bearing on the merit of the case.



Undoubtedly, the insurer has advanced the plea of contributory negligence at the appellate stage, but admittedly it has not led any evidence before the tribunal and the contributory negligence is a question of fact and can be gone into in the trial, but unless some evidence is led with regard to contributory negligence, no finding on contributory negligence can be recorded. In the aforesaid facts and situation, especially when the insurance company has not led any evidence to establish its pleas, the challenge as advanced by the insurer-appellant at this stage merits no consideration and it cannot be said that the deceased died out of contributory negligence of himself and the vehicle in question. Once it is found by the tribunal on analysis of evidence that the deceased suffered death due to rash and negligent driving of the offending vehicle, the next question comes for adjudication is determination of compensation amount.

7. In this case, the learned tribunal by the impugned judgment has directed the appellant to pay the compensation amount indicated supra to the claimant-respondents which needs to be re-examined in this appeal, but at this stage, after making a thorough discussion and negotiation with the learned counsel for the parties, this Court proposes to the parties an



amount of Rs.56,00,000/- together with simple interest @ 6% per annum by waiving out the penal interest @ 12% towards full and final settlement as compensation and seeks the response of the learned counsel for the parties, to which Mr. Pradeep Kumar Mishra, learned counsel for the claimant-Respondent Nos. 1 to 3 by filing a memo agrees and accepts the proposal, but Mr. Pratyush Ranjan Sinha, learned counsel appearing along with Mr. Mahitosh Sinha, learned counsel for the appellant-insurer leaves it to the discretion of this Court.

8. In the aforesaid facts and situation and taking into account the law laid down by Apex court in ***Taslim Parvin & Another vrs. (Smt.) Usha Devi & Another; 2018(2) TAC 22 (SC)***, since the claimant-respondent Nos. 1 to 3 agrees to the proposal of the Court through their counsel and the counsel for the appellant-insurer without disputing to such proposal leaves it to the discretion of the Court, it is considered that interest of justice would be best served, if the compensation amount is reduced to Rs.56,00,000/- together with simple interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 18.01.2023 till its realization which shall be paid by the insurer to the surviving claimants-respondents.



9. In the result, the appeal is accordingly disposed of with modification of compensation amount to Rs.56,00,000/- (Rupees Fifty Six Lakhs) together with simple interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 18.01.2023 till its realization and this Court accordingly directs the insurance company to pay the compensation amount within eight weeks hence. In case of payment of the modified compensation amount, the same shall be disbursed to the claimant-respondents proportionately and the statutory deposit together with the accrued interest thereon be refunded back on receipt of deposit of modified compensation by the Appellant before the learned Tribunal. Needless to say, the court fee be realized from the claimants in accordance with law.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated 18th 23rd day of September, 2026/Jayakrushna

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Kataka
Date: 25-Sep-2026 16:36:36

