



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA NO.531 of 2026

CNR No. ODHC010398652026

(In the matter of application under Section-173(1) of M.V. Act, 1988).

M/S. National Insurance Company Ltd., Cuttack ... ***Appellant***

-versus-

Sumitra Malik and others ... ***Respondents***

For Appellant : ***Ms. S. Das, Advocate***

For Respondents : ***Mr. D. Patnaik, Advocate***
(R-1 to 4)

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING AND JUDGMENT: 23.09.2026

G. Satapathy, J.

1. This is an appeal by M/s. National Insurance Company Ltd. (In short "the insurer") challenging the impugned judgment dated 17.01.2026 passed by learned 1st Motor Accident Claims Tribunal, Cuttack (in short "the tribunal") in MAC Case No.241 of 2021 directing the insurer to pay compensation of Rs.18,56,050/- to the R1 to 4-cum-claimants along with simple interest @ 6% per annum w.e.f. 10.03.2021 till actual realization with further relief to the insurer to recover the said amount from R5.

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2. The facts in this case being not disputed is only extracted in precise. In an accident which took place on 04.02.2021, the deceased Ananta Malik while coming along with his father was allegedly hit by one Truck bearing Regd. No.OD-09K-2187 (hereinafter referred to as "the offending vehicle") died at the spot with injury to his father. On this accident, upon FIR being lodged, the matter was investigated into, which culminated in submission of charge sheet against the driver of the offending vehicle in Balichandrapur PS Case No. 44 of 2021 for offences U/Ss. 279/ 337/ 304(A) of IPC. Accordingly, a claim being preferred by the dependents of the deceased, the learned tribunal after appreciating the evidence upon hearing the parties and on going through the records passed the impugned judgment directing the payment of compensation indicated supra to R1 to 4. Being aggrieved, the Appellant-Insurer has preferred this appeal *inter alia* on various grounds, but only confining its challenge at the time of hearing of the appeal to the quantum of compensation awarded to the claimants.



3. Heard, Ms. Sudhamayee Das, learned counsel for the appellant-insurer and Mr. Debasish Patnaik, learned counsel for R1 to 4 in the matter and perused the record. On the prayer of the learned counsel for the parties, the notice issued against R5-cum-owner of the offending vehicle stands dispensed with, since he was set exparte by the tribunal vide order dated 03.07.2024 and the same having not been challenged in any forum.

4. After having considered the rival submission upon perusal of record, it appears that the Insurance Company mainly challenges the quantum of compensation, but this Court does not find any serious flaws in computing compensation by the learned tribunal, however, on discussion and negotiation with the learned counsel for the parties and taking into account the immediate requirement of compensation by the claimants, this Court proposes to the parties an amount of Rs. 15,56,000/- along with interest @ 6 % per annum with right to recovery to the Appellant remaining undisturbed and seeks the response of the learned



counsel for the parties, to which Mr. Debasish Patnaik, learned counsel for the claimants-Respondent Nos. 1 to 4 by filing a memo agrees and accepts the proposal, whereas Ms. Sudhamayee Das, learned counsel for the appellant-insurer leaves it to the discretion of this Court.

5. 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 4 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. 15,56,000/- together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 10.03.2021 till its realization which shall be paid by the insurer to the surviving claimants-respondents.

6. In the result, the appeal is accordingly disposed of with modification of compensation amount to



Rs. 15,56,000/- (Rupees Fifteen Lakhs Fifty Six Thousand) together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 10.03.2021 till its realization and this Court accordingly directs the insurance company to pay the compensation amount within eight weeks hence. In case of deposit of the modified compensation amount, the same shall be disbursed to the claimant-respondents proportionately in terms of the award 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. It is, however, clarified that the finding of the learned Tribunal with regard to grant of right to recovery to the Insurer from R-5/OP5 stands confirmed.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 23rd day of September, 2026/Priyajit*

Signature Not Verified

Digitally Signed
Signed by: PRIYAJIT SAHOO
Designation: Sr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 25-Sep-2026 16:44:32

