



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.171 of 2025

CNR No. ODHC010034192025

***The D.M. The Oriental
Insurance Co. Ltd., Angul***

.....

Appellant

Represented by Adv.
- Prasanta Kumar
Mahali

-versus-

Bidulata Biswal & Ors.

.....

Respondents

Represented by Adv. -
Nachiketa Biswal,
J.K.Sahoo, D.Patnaik,
S.Das (for R-1 to R-3)

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

19.08.2026

Order No.

06.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel appearing for the Appellant-Insurance Company as well as learned counsel for the Respondents-Claimants. Perused the Appeal Memo as well as the impugned judgment assailed by the Insurance Company in the present appeal.
3. Learned counsel for the Respondents-Claimants, who was filed a cross-objection, at the outset, contended that he does not want to press such cross-objection. Accordingly, such cross-objection is disposed of as not pressed.
4. Learned counsel for the Appellant-Insurance Company, at



the outset, contended that the abovenoted appeal has been filed by the Insurance Company under Section 173 of the MV Act thereby challenging the impugned judgment dated 27.08.2024 passed in MAC Case No.134 of 2021 by the learned District Judge-cum-1st MACT, Dhenkanal. He further contended that by virtue of the impugned award, the learned tribunal has awarded a total compensation of Rs.62,46,880/- to the Claimants-Respondents with interest at the rate 7% per annum from the date of filing of the claim application till payment of the awarded amount to the Respondent-Claimants.

5. The factual background of the case, in short, is that on 21.07.2021 at about 6:20 PM, the deceased, namely, Artabandhu Biswal was going to Hingula Coal Field Limited, Talcher from his village at Barihapur by riding a motorcycle bearing registration No.OR-19-F-6127 to attend his duties. Near Kunal Construction Company, Parjang, the offending truck bearing registration No.OD-04-L-9585 came, which was being driven in a rash and negligent manner and moving at a high speed, collided against the motorcycle from behind. As a result of the accident, the deceased sustained multiple injuries including head injury. Thereafter, he was shifted to the local CHC, Parjang. During treatment, the deceased was declared dead by the hospital. Accordingly, the present claim application has been filed before the learned tribunal claiming a total compensation of Rs.1,00,00,000/- by the Respondent-Claimants.

6. The learned Tribunal by virtue of the impugned judgment dated 27.08.2024, after taking evidence and upon hearing counsels appearing for both sides, disposed of the MAC case by awarding



compensation in favour of the Respondent-Claimants. Pursuant to the notice issued by the learned Tribunal, the Opposite Party No.1, who is the Respondent No.4 in this appeal, appeared and denied the liability of the owner. Similarly, the Opposite Party No.2-Insurance Company, appeared before the learned Tribunal and contested the case by filing a written statement.

7. Learned counsel for the Appellant-Insurance Company seeks to assail the impugned judgment only confining his grievance to the quantum of compensation awarded by the learned Tribunal. So far the quantum of compensation is concerned, learned counsel for the Appellant-Insurance Company contended that the learned Tribunal has awarded a higher compensation than that is due to the Respondents-Claimants on account of death of the deceased in the aforesaid accident. It was specifically asserted that the income of the deceased has been taken into consideration at a higher side and that the Claimants-Respondents are not entitled to receive any compensation on account of loss of future prospects as they have been suitably rehabilitated by the employer of the deceased by providing them employment under the Rehabilitation Assistance Scheme. On such ground, learned counsel for the Appellant-Insurance Company sought for modification of the compensation amount awarded by the learned Tribunal.

8. Learned counsel for the Claimants-Respondents, on the other hand, submitted that they have withdrawn the cross-objection claiming higher compensation. While supporting the judgment of the learned Tribunal at Annexure-1, learned counsel for the Claimants-Respondents submitted before this Court that the learned Tribunal has not committed any illegality in awarding the



compensation amount in favour of the Claimants-Respondents. In such view of the matter, learned counsel for the Claimants-Respondents submitted before this Court that impugned judgment does not call for any interference by this Court. Accordingly, it was prayed that the appeal be dismissed.

9. Having heard the learned counsels appearing for both sides, on a careful examination of the factual background of the present case, as well as on appreciation of the materials on record, this Court observed that the Appellant-Insurance Company has approached this Court by filing the present appeal only questioning the quantum of compensation awarded by the learned Tribunal.

10. Learned counsel for the Appellant-Insurance Company assailed the impugned award at Annexure-1 on the ground that the learned Tribunal has committed an illegality by awarding 15% as loss of future prospects. While denying grant of such loss of future prospect to the Claimants-Respondents, learned counsel for the Appellant-Insurance Company referred to their cross-objection and submitted that the PW3 has categorically admitted that he has been engaged on compassionate ground by the employer of the deceased under the Rehabilitation Assistance Scheme. In such view of the matter, learned counsel for the Appellant-Insurance Company challenged the impugned judgment on the ground of quantum of compensation awarded by the learned Tribunal.

11. On a careful analysis of the submissions made by the learned counsels appearing for both sides, further taking note of the factual background of the present case, and on a close scrutiny of the impugned award, this Court is of the view that the matter can very well be resolved amicably. Accordingly, this Court suggested the



parties to settle the matter in the spirit of the Lok Adalat.

12. Learned counsel appearing for the Respondent-Claimants contended before this Court that the Claimants-Respondents will be satisfied in the event the Appellant-Insurance Company pay the total compensation of Rs.53,00,000/- with 6% annual interest from the date of filing of the claim application till the actual payment is made. Learned counsel appearing for the Appellant-Insurance Company, on the other hand, left it to the discretion of this Court and submitted that he will abide by the amount as would be determined by this Court on the basis of the materials available on record.

13. Taking into consideration the entire factual background of the present case, and taking into consideration the monthly income of the deceased, this Court is of the considered view that the a total compensation amount to Rs.53,00,000/- would be just, fair and proper along with interest at the rate of 6% per annum from the date of filing of the claim application. Learned counsels appearing for both sides, accepted the same.

14. Accordingly, the appeal is being disposed of by directing the Appellant-Insurance Company to deposit the total compensation amount of Rs.53,00,000/- along with interest at the rate of 6% per annum before the learned Tribunal within a period of eight weeks from today.

15. On an application being filed by the Appellant-Insurance Company before the learned Tribunal and on production of a copy of the acknowledgment receipt showing proof of deposit of such amount before the learned Tribunal, the statutory deposit along



with accrued interest be released in favour of the Appellant-Insurance Company.

16. With the aforesaid modification as has been indicated hereinabove, the Appeal stands disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 21-Aug-2026 18:30:31

