



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.838 of 2016

In the matter of an application under Section 173 of the
Motor Vehicles Act, 1988.

1. Jayakrushna Pradhan **Appellants**
2. Ranjubala Pradhan

-versus-

1. Baishnaba Das
2. The Divisional Manager,
New India Assurance Co.
Ltd. **Respondents**

For Appellants : Mr. P.C. Pattnaik, Advocate

For Respondents : Mr. G.P. Dutta, Advocate (R-2)

CORAM: JUSTICE V. NARASINGH

Date of hearing & Judgment : 19.08.2025

V. Narasingh, J. Heard learned counsel for the Appellants-
Claimants and learned counsel for the Insurance
Company.

2. The Appellants-Claimants assailing the
judgment dated 30.04.2016 passed by the learned 3rd
M.A.C.T, Puri in MAC No.144/91 of 2011/2009 awarding
a compensation of Rs.2,00,000/- to the Claimants with
interest at the rate of 7.5% per annum have filed this



appeal seeking enhancement of the compensation amount.

3. The case of the Claimants is that on 22.01.2009 the deceased along with some persons had been to Kapilash at Dhenkanal district in the offending bus bearing registration number OR-02-X-5023. While they were returning, near Charibalu on Dhenkanal-Kapilash road, the offending bus dashed against a motorcyclist and thereafter against a roadside tree and capsized. As a result of the impact of the accident, the deceased died at the spot. As such, claim application was filed claiming compensation of Rs.2,50,000/-. In such claim application, the owner of the offending bus was set ex parte. Respondent No.2-Insurance Company appeared and filed its written statement opposing the claim.

4. On the pleadings of the parties, the following issues were framed;

- "1. Is the claim application maintainable ?
- 2) Did the death of Pratima Pradhan occur on account of motor vehicle accident involving vehicle No.OR-02X-5023 (passenger bus) on 22.1.2009?
3. Was the driver of the offending vehicle rash and negligent in causing the accident ?
- 4.Are the petitioners entitled to get compensation, if so, to what extent and from which O.P ?
5. To what relief/reliefs the petitioners are entitled ?

In order to substantiate his stand, one of the Claimant examined himself as P.W.1 and one



independent witness examined as P.W.2 and six documents were exhibited and marked as Exts.1 to 6.

Though Insurance Company has not examined any witness but exhibited some documents which were marked as Exts.A to M.

On consideration of the materials on record, learned Tribunal directed for payment of compensation of Rs.2,00,000/- along with interest at the rate of 7.5% from the date of application i.e. 15.04.2009 till realization.

5. Learned counsel for the Appellant, Mr. Pattnaik submits that the learned Tribunal failed to appreciate the evidence on record regarding income of the deceased. He further submits that the deceased at the time of accident was 20 years and earning Rs.3000/- per month. As such annual income of the deceased comes to Rs.36,000/-. If 40% of the future prospect is included it comes to Rs.50,400/-. Since the deceased was a bachelor, 50% to be deducted towards dependency. Hence, it comes to Rs.25,200/-. Admittedly, multiplier 18 would be applicable. As such it comes to Rs.25,200/- X 18 = Rs.4,53,600/-. After addition of amount of Rs.70,000/- towards conventional heads, the total amount comes to Rs.5,23,600/-. Learned Tribunal has awarded Rs.2,00,000/-. If the awarded amount already paid is deducted, it comes to Rs.5,23,600/- minus Rs.2,00,000/- = Rs.3,23,600/-. Hence, the total compensation amount including interest comes to Rs.4,50,000/-. Hence, the



compensation amount is liable to be enhanced. In support of his submission, he relies on the decision of the Apex Court in the case of Laxmi Devi and others vrs. Mohammad Tobbar and another, **2008 (2) TAC 394 (SC)**.

6. Learned counsel for the Insurance Company supports the impugned award and submits that if the impugned judgment is evaluated on the touchstone of the doctrine of just compensation, the same does not merit any interference.

7. Considering the facts and the submissions made, this Court is of the considered view that award of further consolidated amount of Rs.4,00,000/- (rupees four lakhs) in addition to the amount as per the impugned award would sub serve the ends of justice.

Accordingly, this Court directs the Insurance Company to pay a further consolidated sum of Rs.4,00,000/- to the Claimants as per the terms of disbursement in the impugned award within a period of eight weeks from the date of receipt of this Judgment.

8. Court fees shall be payable by the Claimants as per Rules.

9. Accordingly, the MACA stands disposed of. No costs.

**(V. Narasingh)
Judge**

Signature Not Verified

Digitally Signed
Signed by: AYESHA ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Sep-2025 17:59:51