



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.836 of 2016

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

Basanta Kumar ***Appellant***
Bhujabal

-versus-

1. Smt.P. Hada
Laxsoki @ Smt. P.
Naga Laksami
2. The New India ***Respondents***
Assurance Co. Ltd.

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

For Respondents : Mr. N.C. Mohanty, Advocate (R-2)

CORAM: JUSTICE V. NARASINGH

Date of hearing & Judgment : 19.08.2025

V. Narasingh, J. Heard learned counsel for the Appellant-Claimant and learned counsel for the Insurance Company.

2. The Appellant-Claimant assailing the judgment dated 27.04.2016 passed by the learned 4th M.A.C.T, Puri in MAC No.439 of 2003 awarding a compensation of Rs.60,000/- to the Claimant with interest at the rate of 7.5% per annum has filed this appeal seeking enhancement of the compensation amount.



3. The case of the Claimant is that on 25.08.2003 on N.H.5 near Dadhimachhagadia, while he was coming by driving an auto rickshaw bearing registration number OR-02-J-1668 towards Khurda side, the offending truck bearing registration number AP-16-W-4305 came in a high speed and dashed against him as a result of which he sustained injuries and was shifted to the hospital for treatment. As such claim application was filed claiming a compensation of Rs.5 lakhs. In such claim application, the owner of the offending truck was set ex parte. Respondent No.2-Insurance Company, who was Opposite Party No.2, appeared and filed its written statement opposing the claim.

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

- i) Is the claim application maintainable?
- ii) Did the petitioner sustained injuries in a vehicular accident involving the offending vehicle bearing registration number AP-16-W-4305, truck, on 28.03.2003?
- iii) Was the driver of the offending vehicle rash and negligent in causing the accident?
- iv) Is the petitioner entitled to get compensation, if so, from which O.P and the quantum thereof?
- v) To what other relief?"

In order to substantiate his stand, 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.



Neither oral nor documentary evidence was adduced on behalf of the Insurance Company

On consideration of the materials on record, learned Tribunal directed for payment of compensation of Rs.60,000/- along with interest at the rate of 7.5% from the date of application i.e. 23.12.2003 till realization.

5. Learned counsel for the Appellant, Mr. Pattnaik submits that the learned Tribunal erred in law in awarding a sum of Rs.60,000/- which is abysmally low. It is stated that the Claimant sustained a fracture injury of both tibia and fibula of right leg and multiple injuries on his person due to the accident and was shifted to hospital for treatment and he had undergone treatment by incurring medical expenses. Since learned Tribunal has not, inter alia, properly considered the pain and suffering, the impugned award is liable to be set aside.

6. Such submission is opposed by the learned counsel for the Insurance Company, inter alia, on the ground 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.50,000/- (rupees fifty thousand) on account of pain and suffering 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.50,000/- to the Claimant within a period of eight weeks from the receipt of the copy of this Judgment.

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

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

**(V. Narasingh)
Judge**

Orissa High Court, Cuttack
Dated the 19th August, 2025/Ayesha

Signature Not Verified

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

