



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32149 of 2024

Nalini Sahoo and another

.... Petitioners

Mr. S.K. Mohanty, Advocate

-versus-

***Managing Director, M/s.MSNHM
Construction and Engineering Pvt.
Ltd., Jagatpur, Cuttack and others***

.... Opposite Parties

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

24.02.2026

Order No.

03.

1. Heard Mr. S.K. Mohanty, learned counsel for the Petitioners.
2. Present writ petition is filed challenging order dated 24.08.2024 passed by the court of 1st MACT, Jagatsinghpur in M.A.C. Case No.201 of 2021, wherein the prayer of the claimant-Petitioners to add the owner of Truck bearing Regd. No.OR-01-L-8172 has been refused by learned Tribunal.
3. As seen from the impugned order as well as the other documents including the FIR produced on record, the accident took place when the deceased was moving in his motorcycle as one H.D.D. Machine bearing Regd. No.GD-320-C.L.S. was operating on road to dig earth, and due to negligence of the operator of said H.D.D. Machine. The entire allegation is substantiated against the operator of H.D.D. Machine to attribute the cause of accident. There is no mention of the Truck either in



the FIR or in the charge-sheet submitted by the Police or in the claim petition regarding involvement of any Truck in the accident. Petitioner No.1 also does not say anything about involvement of the Truck while giving his deposition as P.W.1. But subsequently he examined another witness, Viz.P.W.3 as the eye-witness to bring such fact regarding involvement of the Truck in the accident and then filed the petition to implead the Truck owner along with the insurer as parties to the claim application.

4. Upon going through the record, it is seen that such contentions advanced through the mouth of P.W.3 in course of his evidence is a subsequent development to the case of claimants, for the reasons best known to them, in order to throw liability on the Truck driver. This being not the pleading of the parties nor suggested by the Police while submitting the charge-sheet, it cannot be brought at the fag end of the trial to develop the case bringing new facts. As such, no infirmity is seen in the impugned order dated 24.08.2024 of learned Tribunal.

5. The writ petition is dismissed.

(B.P. Routray)
Judge