IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.617 of 2025

(In the matter of application under Section 173(1) of the Motor Vehicles Act, 1988).

Divisional Manager, M/s. National Insurance Company Limited, Angul	…	***Appellant***

-versus-

Rojalin Pradhan and others	…	***Respondents***
For Appellant	:	***Mr. G.P. Dutta, Advocate***
For Respondents	:	***Mr. B.N. Rath, Advocate (R1 to 5)***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:10.07.2026(ORAL)

G. Satapathy, J.

1. This is an appeal U/S.173(1) of the Motor Vehicles Act, 1988 (in short "the Act") by the appellant-insurance company (in short, "the insurer") challenging the quantum of compensation as directed to be paid under the impugned judgment dated 05.12.2024 passed by the learned 1st MACT, Angul (in short "the Tribunal") in MAC Case No.63 of 2022.

By the aforesaid the impugned judgment, the insurer has been directed to pay Rs.25,88,720/- along with interest 6% p.a. w.e.f. 08.08.2022 to claimants-R1 to 5 with further penal interest @ 9% p.a., if the award is not satisfied within three months of passing of the impugned judgment.

2. The facts in this case being not disputed is not reiterated to avoid repetition. The appellant-insurer, however, challenges the quantum under the impugned award by disputing the age of the deceased.

3. Mr. G.P. Dutta, learned counsel for the appellant-insurer by filing the e-Court fee slip apprises this Court that the appellant has already paid the deficit Court fees. Since the quantum of compensation is under challenge in the appeal, but not the violation of policy conditions, notice against R6-the owner of the offending vehicle stands dispensed with.

3.1. Heard, Mr. G.P. Dutta, learned counsel for the appellant-insurer and Mr. Biranchi Narayan Rath, learned counsel who has already entered appearance for R1 to 5 by waiving notice.

4. After having considered the rival submission upon perusal of record, no doubt the insurer disputes the age of the deceased, which the learned Tribunal has assessed at 38 years, but the insurer claims his age to be 42 years by relying upon the Aadhar Card. The age in fact provided in the Aadhar Card may not be the real age of the person because the entry of the age made therein is prepared by some persons, who had no knowledge about the age of such person. Besides, how the age of the deceased as entered in Aadhar Card has not been revealed in such document. On the other hand, the claimants have filed the DL under Ext.8 in support of their claim that the deceased was 38 years, which was duly exhibited and no contrary evidence has been brought from the mouth of the witness-PW.1 to dispute the age of the deceased. In absence of any evidence contrary to the age of the deceased as taken by the learned Tribunal, this Court does not consider it proper to accept the plea of the appellant-insurer to consider the age of the deceased at 42 years, rather it concurs with the findings of the learned Tribunal that the deceased was aged about 38 years.

5. Since the quantum of compensation is under challenge; after making a thorough negotiation and discussion with the learned counsel for the parties, this Court proposes a sum of Rs.23,50,000/- along with interest @ 6% per annum together with waiving of penal interest and seeks the response of the learned counsel for the parties, to which Mr. Biranchi Narayan Rath, learned counsel for claimants-R1 to 5 by filing a memo in Court today, which is taken on record, agrees and accepts the proposal, but Mr. G.P. Dutta, learned counsel for the appellant-insurer leaves it to the discretion of this Court.

6. 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 claimants-R1 to 5 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.23,50,000/- together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 08.08.2022 till its realization which shall be paid by the insurer to the surviving claimants-respondents.

7. In the result, the appeal is, accordingly, disposed of with modification of compensation amount to Rs.23,50,000/- together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 08.08.2022 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. The statutory deposit together with the accrued interest thereon be refunded back on receipt of deposit of modified compensation amount before the learned Tribunal.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 10th day of July, 2026/Subhasmita