



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.440 of 2025
CNR No. ODHCO10227822025

(An appeal Under Section-173 of M.V. Act, 1988).

Branch Manager, Reliance ... Appellant
General Insurance Co. Ltd.,
Bhubaneswar

-versus-

Sushil Jaiswal and another ... Respondents

For Appellant : Mr. S. Satpathy, Advocate

For Respondents : Mr. P.C. Chhinchani (R-1)

CORAM:JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:28.09.2026 (ORAL)

G. Satapathy, J.

1. This is an appeal by the appellant-Reliance General Insurance Co. Ltd., Bhubaneswar (In short, "the insurer") challenging the impugned judgment dated 28.11.2024 passed by learned 5th Motor Accident Claims Tribunal, Rourkela (In short, "the Tribunal") in M.A.C. Case No.185 of 2017 directing the insurer to pay the compensation of Rs.23,52,450/- the claimant-respondent No.1 together with simple interest @ 6% w.e.f. 15.7.2017.



2. The facts in this case being not disputed is not reiterated to avoid repetition. The appellant-insurer, however, challenges the impugned judgment mainly on the following two grounds, such as:-

- (i) Quantum of compensation and,*
- (ii) Contributory negligence.*

3. Heard, Mr. Subrat Satpathy, learned counsel for the appellant-insurer and Mr. Pratap Chandra Chhinchani, learned counsel for the claimant-Respondent No.1(injured), but none appears for R-2.

4. After having considered the rival submission upon perusal of record, it appears that the insurance company has not at all led any evidence to establish its plea of contributory negligence, much less there is nothing on record to suggest any negligence contributed by the injured in the accident. Further, the insurer assails the computation of compensation for grant of amount stated to be incurred for shifting of the injured to Delhi by Air Ambulance for better treatment. It could not validly be disputed by the insurer that the injured was shifted to



Delhi by an Air Ambulance which is evident from Ext. 8 & 9 as the same relates to discharge summary of the injured as issued by Sir Ganga Ram Hospital, New Delhi and Air Ambulance bill, but such documents under Ext. 8 & 9 are admitted in evidence for the injured without any objection by the insurer. The aforesaid pleas of contributory negligence and exorbitant compensation granted to the injured are the imagination of the insurer without any basis and the same is not backed by any material or evidence produced by the insurer and, therefore, in absence of any evidence/materials contrary to the findings of the learned Tribunal, the pleas of contributory negligence and grant of exorbitant compensation as advanced to challenge the impugned judgment merits no consideration and are accordingly rejected.

5. At this stage, after making a thorough negotiation with the learned counsel for the parties, this Court proposes an amount of Rs.19,00,000/- along with interest @ 6% per annum w.e.f. 15.07.2017 towards full and final settlement in this case and seeks the response of



the learned counsel for the parties, to which Mr. Pratap Chandra Chhinchani, learned counsel for the claimant-Respondent No.1 by filing a memo agrees and accepts the proposal, but Mr. Subrat Satpathy, 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 claimant-respondent No.1(injured) agrees to the proposal of the Court through his 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.19,00,000/- together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 15.07.2017 till its realization which shall be paid by the insurer to the claimant-respondent No.1(injured).

7. In the result, the appeal is accordingly disposed of with modification of compensation to the



extent of Rs.19,00,000/-(Rupees Nineteen Lakhs) together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 15.07.2017 till its realization and this Court accordingly directs the insurance company to pay the modified compensation amount within eight weeks hence. In case of deposit of the modified compensation amount, the same shall be disbursed to the claimant-respondent No.1(injured) in terms of the award passed by the learned Tribunal and the statutory deposit together with the accrued interest thereon be refunded back on receipt of proof of deposit of modified compensation amount before the learned Tribunal.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 28th day of September, 2026/Subhasmita*

Signature Not Verified

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Location: High Court of Orissa, Cuttack
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