



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.119 of 2025

CNR No. ODHC010057032025

***Manager, National Insurance
Co. Ltd., Cuttack***

.....

Appellant

Represented by Adv. -
Prasanta Kumar Mahali

-versus-

Niranjan Singh & Ors.

.....

Respondents

Represented by Adv. -
M/s. Debasish Patnaik,
S.Das (for R-1 to R-3)

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

20.08.2026

Order No.

06.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel appearing for the Appellant as well as learned counsel appearing for the Respondent Nos.1 to 3-claimants. Perused the appeal memo as well as the grounds taken therein.
3. By filing the present appeal under Section 173 of the Motor Vehicles Act, 1988, the Appellant-Insurance Company seeks to challenge the impugned judgment dated 22.10.2024 passed by the learned MACT-I, Balasore thereby awarding a total compensation amount of Rs.57,61,186/- along with interest at the rate of 6% per annum from the date of filing of the claim application till realization of the compensation amount.
4. Learned counsel for Appellant-Insurance Company, at the



outset, contended that the impugned judgment dated 22.10.2024 has been assailed by the Insurance Company on ground Nos.4 and 5 and 6 of the grounds mentioned in the appeal memo. He further contended that the impugned judgment has also been assailed on the ground of quantum of compensation that has been awarded. While assailing the quantum of compensation, learned counsel for Appellant-Insurance Company submitted that the same has been assessed at a higher side without deducting the allowances from the salary of the deceased. In such view of the matter, learned counsel for Appellant-Insurance Company contended before this Court that the impugned award is unsustainable in law and, accordingly, the same should be set aside.

5. Learned counsel appearing for Respondent Nos.1 to 3-claimants, on the other hand, supported the impugned judgment dated 22.10.2024. While supporting the judgment of the learned Tribunal, learned counsel for the Respondent Nos.1 to 3-claimants submitted before this court that the deceased was a public servant and he was working as an Assistant Branch Manager in New India Assurance Company Limited and, at the time of accident, he was getting a salary of Rs.75,606/-. Thus, after deducting 1/3rd towards personal expenses, the learned Tribunal has assessed the total damages at Rs.57,61,186/-. In such view of the matter, learned counsel for Respondent Nos.1 to 3-claimants submitted before this Court that the learned Tribunal has not committed any illegality and, as such, the impugned judgment is not liable to be interfered with. In such view of the matter, he further submitted that the appeal, being devoid of merit, is liable to be dismissed.

6. Having regard to the submissions made by learned counsels



appearing for both sides, on a careful analysis of the rival contentions, further on a close scrutiny of the materials available on record as well as the impugned judgment dated 22.10.2024, this Court observed that the contentions raised by learned counsel for Appellant-Insurance Company with regard to the determination of the quantum of compensation has some force in it. The learned Tribunal, while assessing the monthly income of the deceased, has taken into consideration the allowances. On a careful consideration of the impugned award as well as the factual background of the present case, this Court observed that the matter can very well be resolved amicably in the spirit of the Lok Adalat. Accordingly, the counsels appearing for both sides were requested to make an effort to resolve the dispute amicably.

7. Learned counsel appearing for the Respondent Nos.1 to 3-claimants, at the outset, contended that the Claimant-Respondents would be satisfied in the event the Insurance Company pays a total compensation amount of Rs.42,00,000/- with 6% interest per annum from the date of filing the claim application till realization of the amount.

8. Learned counsel for Appellant-Insurance Company, on the other hand, contended that the Insurance Company leaves it to the discretion of this Court and further submitted that whatever amount this Court would deem fit and proper in the facts and circumstances of the present case would be acceptable to the Appellant-Insurance Company.

9. Considering the submission and keeping in view the factual background of the present case, as well as the income of the deceased, this Court is of the view that if the quantum of



compensation is modified to Rs.42,00,000/- along with interest at the rate of 6% per annum, the same would be just, fair, and proper. Accordingly, while disposing of the appeal, the quantum of compensation awarded by the learned Tribunal is modified to Rs.42,00,000/- in total along with interest at the rate of 6% from the date of filing of the claim application till realization. Let the awarded amount be deposited before the Tribunal within a period of 8 weeks from the date of receipt of a copy of today's order. It is further directed that the statutory amount deposited by Insurance Company be disbursed along with accrued interest in favour of the Appellant-Insurance Company subject to the Appellant-Insurance Company filing a copy of acknowledgment receipt as evidence of deposit of the awarded amount before the Tribunal.

10. With the aforesaid modification, the appeal stands disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 21-Aug-2026 18:33:58

