



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.540 of 2025

CNR No. ODHC010323832025

Bijayalaxmi Naik & Ors.

.....

Appellants

Represented by Adv. –
Mr. D. C. Dey

-versus-

***Himanshu Sekhar Dash &
Anr.***

.....

Respondents

Represented by Adv. –

Mr. B. Mahapatra

Ms. Nibedita Mohanty

CORAM:

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

ORDER

13.08.2026

Order No.

- 06.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Claimants-Appellants as well as learned counsel appearing for the Respondent/Insurance Company.
 3. Perused the appeal memo as well as the ground stated therein. By filing the present appeal under Section 173(1) of M.V. Act, 1988, the Claimants-Appellants have approached this Court thereby challenging the judgment dated 28.10.2024 passed in MAC Case No.168 of 2022 by the learned 1st Motor Accident Claims Tribunal, Keonjhar. The learned Tribunal has arrived at a finding that the deceased died due to the motor accident and that the offending vehicle, a bus bearing registration No.OD-09-R-0592, was responsible for such rash and negligent driving and causing the death



of the deceased. It was also contended that a case has been registered bearing Champua P.S. Case No.107 of 2022 corresponding to G.R. Case No.270 of 2022 before the learned S.D.J.M., Champua. The learned Tribunal after taking evidence from both sides and on a careful consideration and submission made by on behalf of Claimants-Appellants as well as the Respondent-Insurance Company allowed the claim case and awarded a total amount of Rs.10,87,120/- along with interest at the rate of 6.5% from the date of the claim application, i.e. from 20.09.2022, till the date of realization. Learned counsel for the Claimants-Appellants further submitted that in the meantime, the award has been satisfied and that the claimants have been paid Rs.10,87,120/- along with accrued interest thereon. In view of the aforesaid development, learned counsel for the Claimants-Appellants submitted that there exists no dispute with regard to the fixation of the liability. So far the present appeal is concerned, learned counsel for the Claimants-Appellants contended that the same is confined to the quantum of compensation only.

4. While assailing the impugned judgment dated 28.10.2024, learned counsel for the Claimants-Appellants contended before this Court that while calculating the total compensation amount, the learned Tribunal has failed to consider the loss of future prospect at the rate of 40% which the Claimants are lawfully entitled to. In such view of the matter, learned counsel for the Claimants-Appellants refer to the calculation sheet furnished before this Court, which is available at Flag-Z, wherein, he has taken into consideration the future prospect at the rate of 25% of the income of the deceased. Accordingly, the total annual income has been arrived at Rs.1,46,700/- after deducting 1/3rd towards personal and other expenses. The Claimants-Appellants have claimed a total



compensation of Rs.13,41,400/-. He has also deducted the awarded amount from the total compensation claimed in the present appeal. Accordingly, the claimants/appellants are entitled to pay the balance amount of Rs.2,54,280/-. Learned counsel appearing for the Insurance Company, on the other hand, fairly submitted that the appellants are entitled to get 25% towards loss of future prospect, which has not been taken into consideration by the learned Tribunal. In such view of the matter, learned counsel for the respondent/insurance company submitted that after taking into consideration the aforesaid loss of future prospect the appellants are entitled to get Rs.2,54,280. However, the same shall not carry any interest, as the interest amount has already been paid to the claimants by the insurance company and the awarded amount, as directed by the Tribunal, has already been satisfied.

5. Considering the submissions made by the learned counsel appearing for Appellants-Claimants as well as the Respondent-Insurance Company, this Court is of the view that the learned Tribunal has inadvertently not added the loss of future prospect at the rate of 25%. Therefore, this Court is of the view that the claimants are entitled to the same in view of judgment of this Court as well as the Hon'ble Supreme Court. Accordingly, the present appeal is being disposed of by directing the Insurance Company to pay a further consolidated amount of Rs.2,55,000/-. The aforesaid further consolidated amount of Rs.2,55,000/- shall be deposited within a period of 8 weeks by the insurance company before the learned Tribunal, which shall be disbursed in favour of the claimants as per law. While modifying the award further directions of the Tribunal shall remain intact including the right of recovery granted



to Respondent-Insurance Company.

6. With the aforesaid observation and direction, the appeal stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Sumitra

Signature Not Verified

Digitally Signed
Signed by: SUMITRA NAYAK
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 17-Aug-2026 19:03:24

