



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA NO.711 of 2025

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

Rinarani Behuria & Anr. ... Appellants

-versus-

Sumant Barik & Another ... Respondents

For Appellants : Mr. B.N. Rath, Advocate

***For Respondents : Mr. S. Roy, Advocate
(R-2)***

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 03.07.2026 (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 appellants-claimants seeking enhancement of compensation.

2. The learned 3rd MACT, Jharsuguda (in short "the tribunal") by way of judgment dated 29.10.2024 passed in MAC Case No.43 of 2020 has directed the National Insurance Co. Ltd.-R-2 to pay compensation amount of Rs.13,29,778/- together with interest @ 6% per annum w.e.f. 22.09.2020 till its realization to the



claimants-appellants who are the legal heirs of the deceased Dhananjay Behuria, who died in an accident on the relevant date and time after being hit by a truck bearing Regd. No.OR-09-P-0984 allegedly driven in a rash and negligent manner.

3. Heard Mr. Biranchi Narayan Rath, learned counsel for the appellants-claimants and Mr. Somnath Roy, learned counsel for insurer-cum-Respondent No.2, but none appears for the respondent-cum-owner despite valid service of notice. It is acknowledged by the learned counsel for both the parties that the award has already been satisfied by payment of compensation amount to the claimants by the respondent-insurer.

4. After having considered the rival submission and making a thorough discussion and negotiation with the learned counsel for the parties keeping in view the claim of the appellants, this Court proposes further enhancement of compensation of Rs.2,22,000/- together with interest @ 6% per annum to the claimants and seeks the response of the learned counsel for the parties, to



which learned counsel for the claimants-appellants by filing a memo agrees and accepts the proposal, but Mr. Somanath Roy, learned counsel for the respondent no.2-cum-insurer without disputing such proposal leaves it to the discretion and conscience of this Court.

4. 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 appellants agree to the proposal of the Court through their counsel and the counsel for the respondent-insurer without disputing 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 further enhanced by Rs.2,22,000/- together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 22.09.2020 till its realization, which shall be payable by the insurer-R2 to the appellants-claimants.

5. In the result, the appeal is accordingly disposed of with direction to R-2-cum-insurer to pay a



further sum of Rs.2,22,000/- with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 22.09.2020 till its realization to the claimants-appellants within eight weeks hence. In case of payment of enhanced compensation amount, the same shall be disbursed to the appellants-claimants proportionately in terms of the impugned judgment.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 03rd day of July, 2026/Jayakrushna*

Signature Not Verified

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Jul-2026 16:00:13