

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.474 of 2018

Smt. Sandhyarani Panda and Others* *Appellants

Mr. B.N. Rath, Advocate

-versus-

Pabitra Ranjan Mudra and Another* *Respondents

Mr. G.P. Dutta, counsel for Respondent No.2

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

3.8.2022

Order No.

- 04.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. B.N. Rath, learned counsel for the claimant – Appellants and Mr. G.P. Dutta, learned counsel for insurer – Respondent No.2.
 3. Present appeal by the claimants is against the impugned judgment dated 20th January, 2018 of learned 1st MACT, Cuttack passed in MAC Case No.180 of 2013 wherein the tribunal has refused to award any compensation in favour of the claimants and resultantly dismissed the claim application with nil award.
 4. It is seen that the tribunal has observed under Issue Nos.1 and 2 that since no eye-witness to the accident was examined from the side of the claimants and the police has given final report of ‘no clue’ against unknown vehicle, the case of the claimants that the negligence

is on the part of the offending vehicle, i.e. motor cycle in which the deceased was going as the pillion rider, is not established.

5. Upon hearing both parties and perusal of the impugned judgment, the facts of the case reveal that, when the deceased was going as a pillion rider in the motor cycle bearing registration number OD-07-3775 one unknown vehicle dashed the motor cycle from behind, as a result of which the deceased fell down and said unknown vehicle ran over her. This being the specific case of the parties and in view of the contents of F.I.R. as well as the FF submitted by police and in absence of examination of any eye witness from the side of the claimants to controvert the same, this court does not find any reason to differ from the conclusion arrived by the tribunal. Therefore, no infirmity is seen in the impugned judgment of the tribunal.

6. In the result the appeal is dismissed.

7. However, the claimants are at liberty to approach appropriate authority for grant of such amount of compensation in terms of Section 161(3) of the M.V. Act.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge