

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.995 of 2014

Sweta Priya Mishra and another ***Appellants***

Mr. K.C. Nayak, Advocate

-versus-

Ramavati Singh and another ***Respondents***

Mr. G.P. Dutta, Advocate along with Mr. S.K. Mohanty,
Advocate for Respondent No.2

Mr. B. Mohanty, Advocate for Respondent No.1
Mr.K. Das, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
13.09.2022

Order No.

15.

1. Heard Mr. K.C. Nayak, learned counsel for the Appellants-claimants, Mr. G.P. Dutta along with Mr. S.K. Mohanty, learned counsels for the Respondent No.2-Insurance Company, Mr. B. Mohanty, learned counsel for Respondent No.1-owner and Mr. K. Das, learned A.S.C.

2. This Court by order dated 15.02.2019 directed the State Crime Branch to investigate and submit a report in the matter of forged insurance policy.

3. Mr. K. Das, learned A.S.C. produces a copy of the report dated 10.07.2019 of the D.S.P. CID, CB, Cuttack along with the letter of the SP, CID, CB, Cuttack dated 13.08.2019.

4. In the report, the Crime Branch has stated that the alleged insurance certificate vide Policy No.1503372349100008 of Reliance Insurance Pvt. Ltd. is forged one and never issued by the

Insurance Company. The copy of report as produced by Mr. K. Das, learned A.S.C. is kept on record.

5. Present appeal by the claimants is directed against the judgment dated 18.9.2014 of learned 2nd M.A.C.T., Cuttack in Misc. Case No.345/2009 wherein compensation to the tune of Rs.16,35,000/- has been directed to be paid by the owner-Respondent No.1, namely, Ramavati Singh along with interest @7% per annum to the claimants from the date of filing of the claim application, i.e.27.6.2009 on account of death of the deceased in the motor vehicular accident dated 14.01.2009.

6. Learned Tribunal while holding that the offending vehicle, i.e. Truck bearing Registration No.OR-01-A-4261 was not validly insured on the date of accident, has exempted the insurer from indemnification of the liability of the owner.

7. Mr. Nayak, learned counsel for the Appellants-claimants fails to substantiate his contention that the offending truck was having any valid insurance policy.

8. In view of the report of the Crime Branch where it is stated that the alleged insurance policy is a forged one, no case is made out in favour of the claimants to interfere with the award.

9. Resultantly, the appeal is dismissed.

(B.P. Routray)
Judge