IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11202 of 2025

D.M. National Insurance Co. Ltd., Cuttack ..... ***Petitioner(s)***

Mr. P.K. Mahali, Adv.

-Versus-

Smt. Kunti Nayak & Anr. ..... ***Opposite Party(s)***

None

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER
10.12.2025

Order No.

07.

1. This matter is taken up through hybrid arrangement.
2. Despite service of notice, nobody appears on behalf of the Opposite Parties at the time of call. Hence, this Court deems it appropriate to hear the matter and pass order *ex parte*.
3. Heard Mr. P.K. Mahali, learned counsel appearing for the Petitioner/Insurance Company.
4. This Writ Petition has been filed by the Petitioner/Insurance Company challenging the award passed in MAC 99 of 2023 by the learned First M.A.C.T., Mayurbhanj, Baripada on the ground of violation of policy condition that the driver had no D.L. at the time of accident and he has been charge sheeted under Section 181 of M.V. Act.

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5. The Tribunal vide the impugned judgment dated 30.10.2024 passed in MAC No.99 of 2023 allowed the claim of the Claimants by holding the Insurer liable to pay the compensation so assessed along with interest with a view that the owner has not violated any condition of policy.

6. In support of the Writ Petition, learned counsel appearing for the Insurer contended that since the registered owner of the alleged offending vehicle knowingly handed over his vehicle to the accused driver named Raju Patra, who had no D.L. at the time of accident who has been charge sheeted under Section 181 of M.V. Act. The owner is knowingly violated the terms and condition of the Insurance Policy after the Amended Act, 2019 for which the Insurance Company is not liable to pay only compensation.

7. It is contended that after coming into force of the M.V. Amended Act, 2019, which was notified on 01.04.2022, the Insurer is not liable to pay the compensation, if it is proved that the driver of the offending vehicle had no D.L. It is contended that since the accident occurred on 05.04.2023 i.e. after the amendment was notified on 01.04.2022, in view of the provisions contained under Sec. 150 (2)(I)(D)(ii) of the Amended M.V. Act, the Petitioner/Insurance Company could not have been held liable to pay the compensation. It is accordingly contended that the impugned judgment needs interference of this Court.

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8. Having heard learned counsel appearing for the Petitioner/Insurance Company and considering the submissions made, this Court finds that the claim application was filed by the injured claiming compensation in respect of the injury sustained due to a motor accident which took place on 05.04.2023. This Court after going through the materials produced before this Court finds that on the fateful day the driver had no driving license as proved by the charge sheet. The learned Tribunal ought to have held that the Insurance Company is not liable to pay any compensation.

9. Not only that the Tribunal should have taken into consideration the amended provisions contained under Sec. 150 of the M.V. Amended Act, 2019, which was brought into effect with effect from 01.04.2022, while holding the Petitioner/Insurance Company liable to pay the compensation on the ground that the owner has not violated any policy condition. It is found that right of recovery against the Owner of the offending vehicle was there under the Preamended Proviso to Sec. 149 (4)(5) of the M.V. Act, 1988. But such a provision is not there in the corresponding amended provision to Sec. 150 of M.V. Amended Act, 2019.

10. In view of such material irregularity, which his apparent on the face of the impugned judgment and the analysis made hereinabove, this Court is inclined to quash the impugned judgment dated 30.10.2024, so passed by the learned First MACT,

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Mayurbhanj, Baripada in MAC No.99 of 2023. While quashing the same, this Court is inclined to remit the matter to the Tribunal to redecide the issue in accordance with law. Since the accident is of the year 2023, the Tribunal is directed to dispose of the matter in accordance with law and by giving due opportunity of hearing to all concerned as expeditiously as possible preferably by the end of March, 2026.

11. The, Writ Petition is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu

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