**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**MACA NO.699 of 2010**
**CNR No. ODHC010001802010**
(An appeal Under Section-173(1) of M.V. Act, 1988).

***Maki Munda & Others*** … ***Appellants***

*-versus-*

***Padmalochan Giri & Another*** … ***Respondents***

***For Appellants*** : ***Mr. S. Mohanty, Advocate***

***For Respondents*** : ***Mr. G.P. Dutta, Advocate (R-2)***
***None (R-1)***

**CORAM: JUSTICE G. SATAPATHY**

**DATE OF HEARING & JUDGMENT: 13.11.2026 (ORAL)**

***G. Satapathy, J.***

**MACA NO.699 OF 2010 AND IA No.1849 of 2026**

**1.** This judgment shall not only dispose of the Appeal, but also IA No.1849 of 2026 filed by the learned counsel for the appellant U/S.5 of the Limitation Act, 1963 to condone the delay in preferring the appeal to challenge the impugned judgment dated 06.09.2007 passed by the learned 1st Motor Accident Claims Tribunal, Keonjhar in MAC Case No.26 of 1997 directing the Oriental Insurance Company Ltd.-R2 herein to pay a sum of Rs.73,640/- together with Simple Interest@ 9% per annum w.e.f the date of filing

of the claim application till its actual realization to the claimants-appellants as compensation in an application U/S.166 of the MV Act towards the death of one Tikei Munda who died in a motor vehicular accident on 18.12.1996.

**2.** The facts being largely undisputed are not reiterated to avoid prolixity, but claimants being aggrieved with the quantum of compensation has challenged the award in this appeal with a delay of 982 days.

**3.** Heard, Mr. Srinibas Mohanty, learned counsel for the Appellants-claimants and Mr. G.P. Dutta, learned counsel for the R-2 (insurer) and perused the record. None appears for R-1 despite duly noticed.

**4.** Admittedly, there is a delay of 982 days, but the appellants are claimants and they are the LRs of the deceased who died in a motor vehicular accident, but the provision of compensation to the LRs of the deceased, who died in a motor vehicular accident being a beneficial social legislation, the delay in filing the

appeal by the four claimants in this case has to be considered liberally. It is also stated in the petition for condonation of delay that the appellants are poor and illiterate persons and they being prevented by sufficient cause were unable to contact their counsel in time. It is accordingly, prayed by the claimants-appellants to condone the delay by adopting a liberal and justice-oriented approach. The insurer of course has appeared through its counsel who has vehemently opposed for condonation of delay, but the insurer has not filed any written objection to counter the averments taken in the application for condonation of delay. In the aforesaid facts and circumstances and on consideration of the materials placed on record and taking into account the objective of provision of law for grant of compensation to the claimants being required to be interpreted to advance welfare justice, this Court notwithstanding to the oral objection of the insurer considers it proper to condone the delay. Hence, the delay of 982 days stands

condoned. Accordingly, IA No.1849 of 2026 stands disposed of.

**5.** On turning to the quantum of compensation, it appears that the learned tribunal by taking into account the prevailing daily wages of a person at the time of accident, computed the compensation, but the accident had in fact taken place on 18.12.1996 and in the meantime 30 years has elapsed. Further, the award was passed way back on 2007 and in the meantime 19 years has elapsed. At this stage, upon a comprehensive and consensus-seeking exercise with the learned counsel appearing for the parties, this Court proposes a consolidated sum of Rs.2,00,000/- as compensation to the claimants towards full and final settlement in the case, and seeks the response of the learned counsel for the parties, to which Mr. Srinibas Mohanty, learned counsel for the claimants by filing a memo agrees and accepts the proposal of the Court, but Mr. G.P. Dutta, learned counsel for the insurer leaves it to the discretion of this Court.

**6.** In the aforesaid facts and situation and taking guidance from the law laid down by Apex Court in ***Taslim Parvin & Another vrs. (Smt.) Usha Devi & Another; 2018(2) TAC 22 (SC)***, since the claimants agree to the proposal of the Court through their counsel and the counsel for the insurer without disputing such proposal leaves it to the discretion of the Court, it is considered that the interest of justice would be best served, if the compensation amount is enhanced to Rs.2,00,000/-(consolidated) which shall be paid by the insurer to the claimants within eight weeks hence.

**7.** In the result, the Appeal stands allowed with modification of compensation amount. Consequently, the insurer-cum-Oriental Insurance Company is directed to pay the aforesaid modified compensation amount of Rs.2,00,000/- to the claimants within eight weeks hence. The aforesaid modified compensation amount shall be paid to the claimants, if the award has not been satisfied, but in case the award has been satisfied, the insurer shall deposit the differential

amount before the learned tribunal within eight weeks hence for its disbursal to the claimants in terms of the award.

***(G. Satapathy)***
***Judge***

*Orissa High Court, Cuttack,*
*Dated the 13th November, 2026/Jayakrushna*

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