IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.941 of 2009
CNR No. ODHC010003832009

(In the matter of application under Section 173(1) of the Motor Vehicles Act, 1988).

Branch Manager, Oriental Insurance Co. Ltd., Bolangir … ***Appellant***

-versus-

Dulabati Bhue and others … ***Respondents***

For Appellant : ***Mr. P.K. Mahali, Advocate***

For Respondents : ***None***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:28.10.2026 (ORAL)

G. Satapathy, J.

1. This is an Appeal U/S.173(1) of the Motor Vehicles Act, 1988 (in short, "the Act") against the impugned judgment dated 04.06.2009 passed by the learned Third Motor Accident Claims Tribunal, Bargarh in MAC Case No.02 of 2008 granting compensation of Rs.2,78,300/- to R1 to 5 herein with further direction to the appellant to pay the compensation and realize it from the owner of the offending vehicle-cum-R6.

2. It appears from the record that the notice against R1 to 5 has been dispatched, but notice against R6 is held to be sufficient. Be that as it may, the claimants-R1 to 5 had also filed another claim application for compensation for the self-same accident in Misc. Case No.442 of 2006 before the learned 2nd MACT, Cuttack, which is evident from the certified copy of the order sheet as produced by the appellant. It is, therefore, clear that the claimants-R1 to 5 have approached two different forums having concurrent jurisdiction at two different places for the self-same relief on the same accident, but they have not adduced any evidence in the claim filed by them in the present case, which was filed before the learned MACT, Bargarh in MAC Case No.02 of 2008, however, the learned Tribunal has passed the impugned judgment basing on the averments and documents filed therein and, accordingly, granted compensation of Rs.2,78,300/-.

2.1. It is worthwhile to mention that the judgment in the present case was delivered on

04.06.2009, whereas the claimants' claim application in Misc. Case No.442 of 2006 was disposed of by the learned 2nd MACT, Cuttack on 03.11.2008 basing on a compromise arrived at by the parties in the Lok Adalat held on 20.09.2008 and, accordingly, the compensation to the claimants was quantified at Rs.2,12,000/-, which was directed to be paid by the present Insurance Company impleaded as OPNo.2 in Misc. Case No.442 of 2006. Further, the order sheet also reveals that the aforesaid claim amount was deposited by the insurer and the same was disbursed to the claimants by the 2nd MACT, Cuttack vide its order dated 27.01.2009 in terms of the award passed by it. The disposal of the claim application of the claimants earlier by the 2nd MACT, Cuttack in Misc. Case No.442 of 2006 shall operate as *res judicata* to the disposal of claim application filed by the claimants in MAC Case No.02 of 2008 later in time and the 3rd MACT, Bargarh could not have passed the impugned judgment after disposal of the claim application of the claimants in Misc. Case No.442 of 2006.

3. In the aforesaid facts and situation and on consideration of the disposal of the case by the 2nd MACT, Cuttack, the impugned judgment passed by the 3rd MACT, Bargarh in MAC Case No.02 of 2008 needs to be set-aside with dismissal of the claim.

4. In the result, the Appeal stands allowed, but in the peculiar facts and circumstances, no order as to costs. Consequently, the impugned judgment dated 04.06.2009 passed by the learned 3rd MACT, Bargarh in MAC Case No.02 of 2008 is, hereby, set-aside. The statutory deposit together with the accrued interest thereon be refunded back.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 28th day of October, 2026/Subhasmita

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 29-Oct-2026 14:08:03