IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.75 of 2026
CNR No. ODHC010038602026

(An appeal U/S.173(1) of Motor Vehicles Act, 1988).

The Manager Legal, M/S. Reliance General Insurance Co. Ltd., Khurda … ***Appellant***

-versus-

Kanhu Charan Mohapatra and others … ***Respondents***

For Appellant : ***Mr. G.P. Dutta, Advocate***

For Respondents : ***Mr. P.K. Mishra, Advocate(R-1 to 3)***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:29.10.2026 (ORAL)

G. Satapathy, J.

1. This is an appeal U/S. 173(1) of the Motor Vehicles Act, 1988 (In short "the Act") by the Appellant-The Manager Legal M/S. Reliance General Insurance Company Ltd., Khurda (In short "the Insurer") against the impugned judgment dated 27.10.2025 passed by learned 3rd Motor Accident Claims Tribunal, Jagatsinghpur (In short "the Tribunal") in MAC Case No.42 of 2015 directing the insurer to pay a sum of Rs. 38,05,100/- only to the claimants-R1 to R3 herein together with simple interest @ 6% per annum

w.e.f 08.04.2015 till its realization excluding the interest for the period from 12.07.2014 to 03.04.2018 during which the claim application remains dismissed for default.

2. The facts in this case, being largely undisputed, is only reiterated in precise for disposal of the present appeal which emanates from an accident which took place on 26.03.2015 at about 2:30PM at Yamnampet Fly Over Bridge in Andhra Pradesh, when one Shashikantha Mohapatra (hereinafter referred to as "the deceased") while going by riding his motor cycle bearing Regd. No. TS-08-EC-7318 was allegedly hit by one trailer/trolley bearing Regd. No. AP-26-U-2787 (hereinafter referred to as "the offending vehicle") resulting in death of the deceased. An FIR being filed on this accident with the Ghatkesar Police Station came to be registered vide FIR No. 139 of 2015 resulting in submission of charge sheet against the driver for offence U/S. 304-A of IPC. Upon a claim being filed on this accident by the dependents of the deceased, the learned tribunal registered such claim vide MAC No. 42 of 2015 and proceeded with it by issuing notice to the owner and insurer of the offending vehicle, out of whom the owner

preferred not to contest the claim, whereas the insurer contested the claim by filing written statement denying its liability, but the learned tribunal after appreciating the evidence upon hearing the parties passed the impugned judgment directing the insurer to pay the compensation indicated *supra* to the claimants. Being aggrieved with the impugned judgment, the insurer has preferred this appeal.

3. Heard Mr. G.P. Dutta, learned counsel for the appellant and Mr. Pradeep Kumar Mishra, learned counsel for R1 to R3-cum-claimants, but notice issued against R4 returned with postal endorsement "No such person in this address", however, re-issuance of notice against R4 stands dispensed with in view of the provision of Order XLI Rule 14(4) of the CPC, since R4-cum-owner of the offending vehicle remains *ex-parte* before the tribunal.

4. After having considered the rival submissions and upon perusal of record, it appears that the insurer challenges the impugned judgment mainly on two grounds; such as, non-submission of charge sheet against the driver for offence U/S. 279 of IPC for rash driving the offending vehicle and grant of exorbitant compensation to the

claimants. Addressing to the first plea as advanced by the insurer, it is no longer *res integra* that merely because the Police has not submitted charge sheet against the driver for offence U/S. 279 of IPC, it would not *ipso facto* absolve the liability of the insurer since Sec. 304-A of IPC itself speaks about causing death of any person by rash and negligent act which in the circumstance of admitted evidence available on record clearly reveals that the deceased while going on his motor cycle was allegedly hit by the offending vehicle and died. Once there is oral evidence coupled with documentary evidence of submission of charge sheet against the driver for causing death of the deceased by rash and negligent driving, no further evidence is required to prove the death of the deceased by rash and negligent act of the driver of the offending vehicle. In this regard, this Court is fortified with the decision in the case of ***Ranjeet Vs. Abdul Kayam Neb & Another; 2025 SCC Online SC 497***, wherein the Apex Court has held that once charge sheet is submitted against the driver for rash and negligent driving, no further evidence is required to establish the rash and negligent act of the driver of the

offending vehicle and even there is no oral evidence, it would not be fatal to the case of the claimants. In view of the aforesaid facts and situation, the challenge to the impugned judgment by the insurer on the ground of non-submission of a charge sheet against the driver for offence U/S. 279 of IPC pales into insignificance inasmuch as not only the learned tribunal has arrived at the conclusion that the death of the deceased occurred due to rash and negligent driving of the driver of the offending vehicle, but also the same finding has been concurred by this Court.

5. Turning into the next challenge of the insurer that the tribunal has granted exorbitant compensation to the claimants, it appears that the insurer in fact has pressed the evidence of PW1 to suggest that the said witness-cum- one of the claimants admitted in cross-examination for her inability to produce any document about the appointment of her son, but merely because the witness could not able to produce any document to show the appointment of the deceased, it cannot be conclusively said that the deceased had not been appointed by his employer. On the other hand, the learned tribunal has

come to observe by perusing the documents submitted by the claimants that the deceased had completed his MBA from Eastern Institute for Integrated Learning in Management, University of Sikkim. Besides, the tribunal has relied upon the appointment letter of the deceased to come to hold the income of the deceased at Rs. 19,167/- and accordingly, rounded off the income of the deceased to Rs. 20,000/-. It is, however, not disputed that the learned tribunal while calculating the compensation has committed error by quantifying the future prospect by taking into account the gross income of the deceased without deducting any amount towards his personal and living expenses and thereby, the challenge to the quantum of the compensation by the insurer has some force. At this stage, after upon a comprehensive and consensus-seeking exercise with the learned counsel appearing for the parties, this Court proposes an amount of Rs.28,00,000/- along with interest @ 6% per annum w.e.f. the date of filing of claim application on 08.04.2015 till its realization, and seeks the response of the learned counsel for the parties, to which Mr. Pradeep Kumar Mishra, learned counsel for R1

to R3 by filing a memo agrees and accepts the proposal of the Court, but Mr. G.P. Dutta, learned counsel for the appellant-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 claimant-Respondent Nos.1 to 3 agree to the proposal of the Court through their counsel and the counsel for the appellant-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 reduced to Rs.28,00,000/- together with interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 08.04.2015 till its realization which shall be paid by the insurer to the claimants-Respondent Nos.1 to 3.

7. In the result, the appeal is accordingly allowed with modification of compensation to Rs.28,00,000/- (Rupees Twenty-Eight Lakhs) together with simple interest @ 6% per annum w.e.f. the date of filing of the claim application i.e. 08.04.2015 till its realization. Consequently,

this Court directs the insurance company to pay the aforesaid modified compensation amount to the claimants within eight weeks hence and in case of payment of the modified compensation amount, the same shall be disbursed to the claimant-Respondent Nos.1 to 3 proportionately in terms of the award. The statutory deposit together with the accrued interest thereon be refunded upon receipt of proof of deposit of modified compensation before the learned Tribunal.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 29th day of October, 2026/Priyajit

Signature Not Verified
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Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
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