IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1125 of 2024
CNR No. ODHC010796762024

(An appeal Under Section-173(1) of M.V. Act, 1988).

Umakant Padhan & another … ***Appellants***

-versus-

Ashok Padhan & another … ***Respondents***

For Appellants : ***Mr. B.N. Rath, Advocate***

For Respondents : ***Mr. P.K. Mohanty, Advocate (R-1)***
Mr. P.K. Panda, Advocate (R-2)

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:09.11.2026 (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 appellants-claimants seeking to assail the impugned judgment dated 28.08.2024 passed by learned 3rd Motor Accident Claims Tribunal, Jharsuguda (in short "the Tribunal") in MAC Case No. 20 of 2022 directing the New India Assurance Co. Ltd.-cum-R-2 (in short "the insurer") to pay a sum of Rs.5,86,712/- together with Simple Interest (SI) @6% per annum w.e.f. the date of filing of claim application on

02.04.2022 till actual realization to the appellants-claimants towards compensation in an application U/S. 166 of the Act for the death of their sole bread earner in a motor vehicular accident.

2. The facts being largely undisputed are not reiterated to avoid prolixity; but it is, however, confirmed that the award has already been satisfied by R-2. The appellants-claimants, however, being dissatisfied with the quantum of compensation has preferred this Appeal.

3. Heard, Mr. Biranchi Narayan Rath, learned counsel for the appellants-claimants, Mr. Pritam Kumar Mohanty, learned counsel for R-1 and Mr. Prasanna Kumar Panda, learned counsel for R-2 and perused the record.

4. After having considered the rival submissions and upon perusal of record, since the quantum of compensation is in dispute, this Court on perusal of the judgment minutely, found some points in the submission of the appellants for enhancement of compensation, but that not with regard to enhancement of compensation beyond Rs.2,00,000/-, however, on a comprehensive &

consensus-seeking exercise with the learned counsel appearing for the parties and keeping in view the challenge of the claimants-appellants as to the quantum of compensation, this Court proposes for enhancement of compensation for a consolidated sum of Rs.2,00,000/- (Rupees Two Lakhs) towards full and final settlement of the case and seeks the response of the learned counsel for the parties, to which Mr. Biranchi Narayan Rath, learned counsel for the claimants-appellants by filing memo agrees and accepts the proposal, whereas Mr. Pritam Kumar Mohanty, learned counsel for R-1 and Mr. Prasanna Kumar Panda, learned counsel for R-2 without disputing such proposal, leaves it to the discretion and conscience of this Court.

5. 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-appellant agrees to and accepts the proposal of the Court through his counsel and the learned counsels for the R-2-cum-

insurer and the R-1-cum-owner of offending vehicle without disputing such proposal leave it to the discretion and conscience of this Court, it is considered that the interest of justice would be best served, if the compensation amount is further increased by a consolidated sum of Rs.2,00,000/- (Rupees Two Lakhs) only which shall be payable by the insurer-R2 to the appellants-claimants.

6. In the result, the Appeal is accordingly disposed of with a further enhancement of compensation by a consolidated sum of Rs.2,00,000/- (Rupees Two Lakhs) only and this Court, accordingly directs the insurance company to pay the aforesaid enhanced compensation amount within eight weeks hence. In case of deposit of the enhanced compensation amount, the same shall be disbursed to the claimants-appellants in terms of the award.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 9th day of November, 2026/S.Sasmal

Signature Not Verified
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Signed by: SUBHASMITA SASMAL
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 10-Nov-2026 18:08:23