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**(2023) 03 OHC CK 0126**  
**In the Orissa High Court**  
**Case No : MACA No.834 Of 2017**

Jitendra Behera

APPELLANT

Vs

Kirtananda Panda And Another

RESPONDENT

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**Date of Decision :** 17-03-2023

**Acts Referred:**

**Citation :** (2023) 03 OHC CK 0126

**Hon'ble Judges :** B. P. Routray, J

**Bench :** Single Bench

**Advocate :** P.K. Mishra, A.A. Khan

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## Judgement

B. P. Routray, J

- 1.The matter is taken up through hybrid mode.
2. Heard Mr. P.K. Mishra, learned counsel for the claimant - Appellant and Mr. A.A. Khan, learned counsel for insurer – Respondent No.2.
3. Present appeal by the claimant is directed against the impugned judgment dated 31st July, 2017 of learned 1st MACT, Jagatsinghpur passed in MAC Case No.198/2013 (1103/14), wherein compensation to the tune of Rs.5,64,000/- along with interest @ 7.5% per annum from the date of filing of the claim application, i.e. 7th September, 2013 has been granted on account of death of deceased Matan Behera in the motor vehicular accident dated 21st August, 2013.
4. Mr. Mishra submits for the Appellant that the offending vehicle, i.e. truck bearing registration number OR-05-AQ-2525 was validly insured with Oriental Insurance Co. Ltd. (Respondent No.2) on the date of accident vide policy No.345105/31/2014/863. But the police have erroneously mentioned the previous year's policy number in the seizure list and as such, the liability has been fixed on the owner by absolving the insurer.
5. The validity of insurance as per the policy number mentioned above is not disputed by Mr. Khan. As such, direction of the tribunal to absolve liability of the

insurer is set aside.

6. With regard to quantum of compensation, considering the fact that the award amount was computed without addition of future prospects and further sum of Rs.10,000/- is liable to be added towards general damages, the final compensation amount is determined at Rs.7,00,000/-, payable along with interest @ 6% per annum.

7. In the result the appeal is disposed of with a direction to the insurer – Respondent No.2 to deposit the modified compensation of Rs.7,00,000/- (seven lakhs) before the tribunal along with interest @ 6% per annum from the date of filing of the claim application, i.e. 7th September, 2013, within a period of two months from today, where-after the same shall be disbursed in favour of the claimant – Appellant on such terms and proportion to be decided by the learned tribunal.

8. The copy of insurance policy as produced by Mr. Mishra in course of hearing is kept on record.

9. An urgent certified copy of this order be issued as per rules.

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