(2026) 02 OHC CK 1713

In the Orissa High Court

Case No : M.A.C.A. No.794 Of 2013

National Insurance Co. Ltd — APPELLANT

Vs

Soyam Prava Sarangi And Others — RESPONDENT

Date of Decision : 09-02-2026

Acts Referred:

Citation : (2026) 02 OHC CK 1713

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A. Das, P.K. Mishra

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard Mr. Das, learned senior counsel for the Appellant-Insurance Company and Mr. Mishra learned counsel for the Respondent Nos.1 to 3.

2. The Appellant- Insurance Company has filed this appeal challenging the impugned award dated 14. 02.2013 passed by the learned 4th M.A.C.T, Puri in M.A.C No.120/59 of 2010 awarding compensation of Rs. 15,37,600/- along with 7% interest from the date of filing of the application, i.e.,10.03.2010 till the date of payment.

3. The brief facts of the Claimants are that on 9. 01.2010 while the deceased Balunkeswar Sarangi was returning to his village from Pipili by riding a bicycle on the extreme left side of the road, at about 8 P.M near Telephone Exchange, Pipli on Puri- Bhubaneswar public road, the bus bearing registration No. OR-13-A-1011 coming from behind the deceased, due to high speed being driven in a rash and negligent manner the driver could not control the vehicle as a result of which the bus dashed against the bicycle of the deceased and the deceased sustained severe injuries. Thereafter he was shifted to the hospital. While he was undergoing treatment he succumbed to the said injuries on 30.01.2010. As such,

claim application was filed claiming compensation of Rs. 19,71,000/-

4. The owner of the offending vehicle was arrayed as Opposite Party No.1 and the Insurer (The National Insurance Co. Ltd) as Opposite Party No.2. The owner-Opposite Party No.5 herein did not contest and was set Ex-Parte vide order dtd. 11.08.2010.

5. The Insurance Company- Opposite Party No.2 before the learned Tribunal and Appellant herein contested the case and filed its written statement resisting the claim.

On the pleadings of the parties, the following issues were framed:

"1. Is the claim application maintainable?

2. Whether on 9.1.10 at about 8 P.M near Telephone exchange of Pipli on Puri-Bhubaneswar road the deceased Balunkeswar Sarangi met with accident involving the vehicle bearing registration No.OR-13-A-1011 (Bus) and died?

3. Was the driver of the offending vehicle rash and negligent in causing the accident?

4. Are the petitioners entitled to get compensation, if so, to what extent and from which O.P?

5. To what relief?"

In order to substantiate their claim, Claimant No.1-Opposite No.1 herein examined herself as P.W.1 and one eyewitness was examined as P.W.3 and another independent witness was examined as P.W.2 and documents were exhibited on behalf of the Claimants and marked as Exts.1 to 9.

Though no witness was examined on behalf of the Insurance Company, certain documents were exhibited and marked as Exts.A and B.

Considering the evidence on record, learned Tribunal directed for payment of compensation of Rs.15,37,600/- along with 7% interest per annum from the date of filing of the claim petition till the date of payment.

6. The primary ground on which the Appellant-Insurance Company assails the award of compensation is that admittedly the registered owner of the vehicle in question Mr. Bijayananda Mohanty died on 24.10.2009 and the accident in question took place on 09.01.2010 and thereafter the ownership of the vehicle was transferred to the present Opposite Party No.5-Mr. Deepak Kumar Mohanty, the son of the original registered owner but the insurance policy was renewed in the name of the deceased Mr. Bijayananda Mohanty and referring to the same, it is asserted that the said insurance policy of the offending vehicle was in name of a dead person, as such the insurer is not liable to pay the compensation.

7. It is apt to note that no evidence in this regard was led by the Appellant-Insurance Company before the Tribunal though such ground was urged before

the Court at the time of argument.

8. The learned Tribunal referring to the judgment of the Apex Court in the case of United India United India Insurance Co. Ltd. v. Santro Devi, (2009) 1 SCC 558 has arrived at the conclusion that the insurance policy having been renewed, it is not open for the Insurance Company to take a plea that the same was obtained in the name of a dead person. On a bare perusal of the insurance policy, which has been exhibited as Ext.A, there is no dispute that the offending vehicle was in fact insured, though the name of the registered owner has been wrongly reflected.

9. The Insurance Company having accepted the premium amount in respect of the vehicle cannot shy away from its responsibility and relying on such principle and also taking into account that no evidence was led by the Appellant-Insurance Company, its prayer to be absolved from liability was negated by the learned Tribunal.

10. On an analysis of the materials on record, in the light of the Judgment cited in the case of Santro Devi(Supra), this Court does not find any infirmity in the appreciation of the materials and evidence on record to fasten the Appellant-Insurance Company with liability and in this regard, this Court finds substance in the submission made by the learned counsel for the Claimants-Respondents that the underlying principle of awarding compensation is that the interest of the victim has to be protected.

11. On considering the rival submissions and taking into account the ground urged by the learned Senior Counsel that the quantum as awarded is very much on the higher side, this Court is of the considered view that reducing the compensation from Rs.15,37,000/- to Rs.14,50,000/- with 6% interest from the date of application i.e.,10.03.2010 till its deposit before the Tribunal would meet the ends of justice.

12. The awarded amount be paid to the Respondents-Claimants within a period of six weeks from the date of receipt/production of a copy of this Judgment.

The amount, if any, already paid shall be deducted.

13. The compensation which was awarded on account of Claimant No.4- the mother of the deceased before the Tribunal shall be apportioned equally amongst Claimant- Opposite Party Nos.1 to 3.

14. Within a period of six weeks on submission of proof regarding the deposit of the amount towards compensation, as modified, statutory deposit along with accrued interest shall be refunded to the Appellant as per due procedure.

15. The MACA is accordingly disposed of. Costs made easy.

16. In view of the disposal of the MACA, pending I.A.s, if any, stands disposed of.