ITEM NO.3 COURT NO.12 SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 5582/2023

[Arising out of impugned final judgment and order dated 19-05-2022 in MACA No. 324/2021 passed by the High Court of Orissa at Cuttack]

THE ORIENTAL INSURANCE CO. LTD. Petitioner(s)

VERSUS

TUNI PATI & ORS. Respondent(s)

Date : 27-11-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. H. Chandra Sekhar, AOR

For Respondent(s) Ms. Renuka Sahu, AOR
Mr. Shivam Singh, Adv.

Mr. Srisatya Mohanty, AOR
Mr. Abhijit Pattanaik, Adv.
Ms. Sakshi Mittal, Adv.

O R D E R

From the record, it transpires that on 21.05.2025, this Court had passed the following order, the relevant paragraph no.2 of which is reproduced hereinbelow:-

> “In the meantime, it shall be open to the petitioner-Insurance Company to move before the Insurance Information Bureau to obtain any details or information available with them connected to or relating to the present incident.”

2. Further, vide order dated 06.03.2025, this Court had required the Director General of Police, State of Odisha, to constitute a Special Investigation Team (SIT) and verify whether the vehicle in question was actually the vehicle involved in the accident or whether some other vehicle was involved.

3. Pursuant to the directions dated 06.03.2025, a compliance affidavit has been filed on behalf of the State of Odisha. In the said affidavit, a categorical stand has been taken at paragraph no.4 that the enquiry, conducted through examination of eyewitnesses, RTO records, and responses from police authorities across the State, revealed that the Bolero Pickup Van bearing Registration No. OR-04-L-2555 was the same vehicle involved in the accident in question that occurred on 19.10.2017.

4. At this juncture, when we called upon learned counsel for the petitioner-Insurance Company to inform us with regard to the exercise which was required to be undertaken by the Insurance Company in terms of the order dated 21.05.2025. The plea is that they have not been able to obtain such information and are still trying to do so.

5. We find such a plea to be totally unacceptable. For more than six months, the Insurance Company has failed to gather information from the Insurance Information Bureau (IIB), despite a clear and specific direction of this Court. Such conduct does not inspire confidence of the Court in the assertion that the Insurance Company is still trying to obtain such requisite information.

6. Learned counsel for the State of Odisha, who has filed the

affidavit, points out a document which the petitioner-Insurance Company had handed over to the police for verification, claiming that the same vehicle was involved in five more accidents for which compensation had been paid. However, it was submitted that the relevant portions of the said document were so illegible that no further verification could be done. It has also been brought on record in the affidavit which shows that the copies provided by the Insurance Company are not legible. We have perused the same and find that this assertion is correct.

7. Be that as it may, we find that even the Director General of Police(DGP), State of Odisha, has adopted a very casual approach towards the directions of this Court. Although the matter was specifically entrusted to him, he chose to entrust it to the Deputy Superintendent of Police, CID, CB, Odisha, Cuttack, who, in turn, submitted a report without even bothering to examine how the investigation progressed or why the Dy. S.P. could not summon further/fresh details seeking clarity from the Insurance Company. When queried, learned counsel for the State could not give any satisfactory explanation as to why the DGP failed to supervise the investigation or ensure compliance.

8. Accordingly, the DGP, State of Odisha, is directed to file a personally affirmed show cause as to why the Court may not initiate appropriate action against him for such gross casualness, which is writ apparent from the affidavit filed on behalf of the State.

9. The Insurance Company is equally responsible for adopting a casual approach, both in failing to obtain information from the

Insurance Information Bureau (IIB) and in supplying illegible copies/details concerning involvement of the same vehicle in five other accident claim cases. The Court is of the opinion that a strict view is required to be taken.

10. However, learned counsel for the petitioner submits that due to compelling personal reasons, he could not follow up the matter and prays for a short adjournment.

11. Accordingly, the matter be listed on 15.12.2025 at 03.30 PM as a part-heard matter.

12. By the next date of listing, the personally affirmed show cause of the DGP, State of Odisha, shall be filed, explaining why such a casual approach was adopted by him. Further, if the investigation, as required, is not completed by the next date, a strict view will be taken in this regard.

13. After the order was dictated, learned counsel for the respondents no.1 to 3-claimants submitted that the direction requiring deposit of the entire amount, as per the impugned order, has not yet been complied with.

14. Learned counsel for the petitioner submitted that they have deposited a sum of Rs.39,00,000/-(Rupees Thirty Nine Lakhs) as principal amount and about Rs.10,00,000/-(Rupees Ten Lakhs) towards interest before the Motor Accident Claims Tribunal, Cuttack (for short, 'MACT').

15. Learned counsel for the respondents no. 1 to 3-claimants shall verify the said position.

16. In the meantime, we deem it appropriate that, in addition to

the 1/4th amount earlier directed to be released in favour of respondents no.1 to 3, they shall now be entitled to receive a further 1/4th of the awarded amount from the MACT, where the deposit has been made by the petitioner-Insurance Company.

(VARSHA MENDIRATTA) **(ANJALI PANWAR)**
COURT MASTER (SH) **ASSISTANT REGISTRAR**