

ITEM NO.25

COURT NO.16

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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 : 06-03-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

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

For Respondent(s) Ms. Renuka Sahu, AOR
Mr. Shivam Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

The challenge in the present petition is to the order by which the respondents-claimants have been allowed compensation to the tune of Rs.40,42,162/- (Rupees Forty Lakhs Forty Two Thousand and One Hundred Sixty Two) along with interest 7% per annum from the date of filing of the claim application, for an accident which occurred on 19.10.2017.

2. The main thrust of the argument of learned counsel for the petitioner-the Insurance Company, is that the vehicle which is said to be involved in the accident, was not the vehicle and it was an implanted vehicle. To buttress such claim, he submitted that within one year that vehicle was involved in four other claims which clearly shows that the whole stay of the said vehicle, being involved in the accident, was done with *mala fide* intention and in

fact was a fraud on the system.

3. To support his claim, it was submitted that the brother of the deceased, who is the informant also, on the very first instance had said that an unknown vehicle had hit his brother but after two days when the F.I.R. was filed, the number of the vehicle was given without there being any justifiable reason as to why, on the very first day, the vehicle number was not disclosed.

4. Having considered the matter, we find that there is no sufficient ground for us to hold either way, but when a larger issue is involved regarding insurance policies being misused with ulterior motive and the insurance companies are required to pay heavy amount of compensation to the claimants, it becomes imperative that the claim is based on genuine factual foundation. In the absence of the same, the insurance companies cannot be left powerless to deny a claim which may not be genuine.

5. Keeping the above situation in mind, we deem it appropriate to request the Director General of Police, State of Odisha, to constitute a Special Investigation Team(SIT) and get it verified as to whether the vehicle in question was actually the vehicle involved in the accident or it was some other vehicle.

6. A report be submitted to the Court within a period of one month.

7. The Registry is directed to communicate a copy of this order to the Director General of Police, State of Odisha forthwith.

8. The matter be listed on 17.04.2025.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)