

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 2705 of 2013

Dr. Syam Sundar Khandelwalla ***Petitioner***
Mr. R.K.Rout, Advocate

-versus-

Nilima Barik & another ***Opp. Parties***
None

W.P. (C) No.25354 of 2012

Dr.Partha Sarathi Jena ***Petitioner***
Mr. Manoj Ku.Mohanty, Sr.Advocate

-versus-

Nilima Barik & another ***Opp. Parties***
None

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK

Order No.

ORDER
31.03.2022

01. 1. In both these matters the challenge is to the decision of the Permanent Lok Adalat (PLA) (PUS) directing compensation to pay paid by the Petitioners-Doctors to the Opposite Party No.1-complainant. In the first case a compensation amount of Rs.30,000/-and the second case a compensation amount of Rs.10,000/-has been asked to be paid. In both matters which were filed way back in 2013 and 2012 respectively, an interim

order was passed by this Court. In Writ Petition (Civil) No. 2705 of 2013, an interim order dated 28th February, 2013 was passed to the effect that subject to the Petitioner depositing Rs.20,000/- in the name of the Registrar (Judicial), there shall be stay of the operation of the award dated 30th November, 2012 of the PLA (PUS). In Writ Petition (Civil) No.25354 of 2012 by the interim order dated 8th January, 2013, the order dated 30th November, 2012 of the PLA (PUS) was stayed.

2. The Court is today informed that the Opposite Party No.1-complainant in both petitions has expired in the meanwhile. A prayer is made by counsel appearing for Petitioners in both cases that he should be substituted by his Legal Representatives (LRs).

3. The Court is of the considered view that there is no need for LR's of Opposite Party No.1 to be brought on record as the amount awarded is insubstantial. The concern expressed about the implication that the impugned awards may have for the professional careers of the two doctors is unfounded since both counsel candidly state that the practice of neither doctor has been adversely impacted. By impleading the LR's of Opposite Party No.1 one would only be prolonging the litigation unnecessarily and it is a litigation that the LR's of Opposite Party No. 1 cannot afford. Consequently, while clarifying that the impugned awards will not be cited as precedents, the Court declines to interfere with them. The amount already deposited in the name of the Registrar (Judicial) be now released to the LR's. of the Opposite Party No.1 by the Registry by sending an

intimation to them to come and collect the amounts. The details of the LR's will be provided by counsel for the Petitioner in W.P. (C) No. 2705 of 2013 to the Registry within three days.

4. The interim order in both petitions is vacated. The writ petitions are disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge

