

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.387 of 2003

M/s.Oriental Insurance Co. Ltd. ***Appellant***
Mr. G.P. Dutta, Advocate

-versus-

Gandhari Nayak and others ***Respondents***
Mr. Sk. Zafrulla, Advocate for Respondent Nos.1 & 2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
23.08.2022

Order No.

15.

1. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company and Mr. Sk. Zafrulla, learned counsel for the Respondent Nos.1 & 2-claimants.
2. Present appeal by the Appellant-Insurance Company is directed against order dated 6.12.2002 of learned 1st M.A.C.T., Mayurbhanj, Baripada in MACT Misc. Case No.139/2002 wherein interim compensation to the tune of Rs.50,000/- on 'no fault liability' has been directed to be paid to the claimants.
3. It is submitted by Mr. G.P. Dutta as well as by Mr. Zafrulla, learned counsels for respective parties that MACT Misc. Case No.150/2002 filed by another set of claimants as well as present MACT Misc. Case No.139/2002 are still pending before the court of learned 4th MACT, Bhadrak and 1st MACT, Mayurbhanj, Baripada respectively.

4. Upon hearing both parties and going through the impugned order wherein Rs.50,000/- has been granted on 'no fault liability', I do not find any merit in the present appeal to interfere with the impugned order. However, it is open for the insurer-Appellant to take all his defences in the present application before the learned 1st MACT, Mayurbhanj, Baripada and also to take adequate defence before the learned 4th MACT, Bhadrak in MACT Misc. Case No.150/2002 and about the present order passed by this Court as well as the order, if any, passed by the learned 1st MACT, Mayurbhanj, Baripada.

5. With the aforesaid directions, the appeal is disposed of.

6. The statutory deposit made before this Court with accrued interest thereon shall be refunded to the Appellant-Insurance Company.

7. An urgent certified copy of this order be granted on proper application.

(**B.P. Routray**)
Judge